

***United States Court of Appeals
for the Second Circuit***



**APPELLANT'S
APPENDIX**

75-1080

Docket No. 75-1079
Docket No. 75-1105 *700*
Docket No. T-4526
Docket No. 75-1120 *mail*
Docket No. 75-1111

B
Pgs

IN THE
UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

IN THE MATTER OF:

JOSEPH BUSCAGLIA, A Grand Jury Witness, Docket No. 75-1079
LAWRENCE PANARO, A Grand Jury Witness, Docket No. 75-1105
GASPER BONA, A Grand Jury Witness, Docket No. T-4526
FRANK MAMBRINO, A Grand Jury Witness, Docket No.
ROBERT OLIVER, A Grand Jury Witness, Docket No. 75-1111

On Appeal from the United States District
Court for the Western District of New York

APPELLANT'S CONSOLIDATED APPENDIX

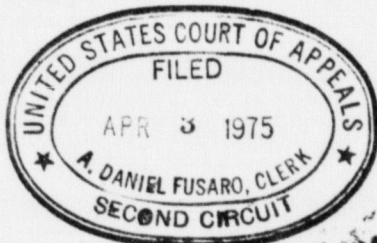
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THIELMAN & LALIME
JAMES L. LALIME
Attorney for Appellant Mambrino
Office and Post Office Address
1710 Liberty Bank Building
Buffalo, New York 14202

STEPHEN R. LAMANTIA
Attorney for Appellant Oliver
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816 Prudential Building
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PAGINATION AS IN ORIGINAL COPY

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Mem 1

Misc. Cr. 154

PROCEEDINGS

[illegible]

DATE
1975

PROCEEDINGS

Feb. 28	to Govt's motion asking Joseph Buscaglia be remanded to the custody of U.S. Marshal, etc.
Mar. 4	Witness is present in Court with counsel, Philip Abramowitz, replacing counsel Stanley Collesano. Court directs witness to return to the Grand Jury and Government is to ask questions that are more specific than the previous questions. James Gresens, Esq., appears for the Government.
Mar. 4	Witness re-appears in Court with Counsel, Philip Abramowitz and the Govt. advised the Court that witness refused to answer certain questions put to him in the grand jury. Court directs that a transcript of the grand jury proceedings be made and adjourns matter until Friday, March 7, at 9:30 a.m. - James Gresens, Esq., appears for the Government.
Mar. 7	On motion of the Government, witness Joseph Buscaglia is confined to the custody of the U.S. Marshal until he is willing to testify before the Grand Jury, or for 18 months or for the life of the Grand Jury.
Mar. 7	Filed Cy. of transcript of testimony of Joseph A. Buscaglia taken in proceedings held before the U.S. Grand Jury, on 3/4/75
Mar. 7	Filed Affidavit of James W. Gresens, Esq., Sp. Atty., Department of Justice, Organized Crime Strike Force, in Buffalo, that the FBI, had not conducted any form of electronic surveillance at the residence of Joseph Buscaglia, etc.
Mar. 7	Filed Affidavit of Joseph Buscaglia, in regard to the Gettysburg Social Club, Inc, a Non-For Profit Corporation of the State of N.Y., and its activities
Mar. 7	Filed Order that the Grand Jury Witness Joseph Buscaglia, be and is hereby remanded to the custody of the U.S. Marshal for the Western Dist. of N.Y. who shall confine him in some suitable place until such time as the said Witness shall indicate a willingness to testify and provide information in accordance with the previous Order of this Court or until such time as the Grand Jury shall be discharged or in any event no longer than a period of Eighteen (18) Months, which ever shall occur first in accordance with the provisions of Sect. 1826 of Title 28, U.S.C.--CURTIN, J.
Mar. 7	Filed Affidavit by Atty. Philip B. Abramowitz, submitted to supplement his affidavit submitted to the Court on 3/4/75
Mar. 10	Filed Notice of Appeal for Joseph Buscaglia
Mar. 11	Cy. of Notice of Appeal, mailed to U.S. Atty., Deft., and to the CCA with statement of docket entries, forms A,B, and CJA-23
Mar. 11	Filed Cy. 5 of CJA-20 - Order appointing Philip Abramowitz, as counsel for the Witness, replacing Stanley J. Collesano; Copy, to the Adm. office Original-returned to counsel for submission of voucher
Mar. 13	Filed Court Stenographer's transcript of proceedings held before Judge Curtin Buffalo, N.Y., commencing on 2/20/1975
Mar. 13	Filed Cy. 5 of CJA-21 - Authorization for transcript; Cy. to the Adm. Office.
Mar. 14	Filed Cy. 2 of CJA-21 - Voucher for transcript in the amt. of \$82.50; Orig. to the Adm. office for payment.
Mar. 17	Filed Cy. of Court's stenographer's transcript of the Proceedings of In Camera Conference held in Chambers, Part I, U.S. Courthouse before Judge Curtin, on March 4, 1975
Mar. 14	Filed Cy. of Application and Order that the record of the proceedings in camera be unsealed as of this date--CURTIN, J.

ITEM # 2

Misc. Crim. # 160

[illegible]

DATE	PROCEEDINGS
1975	
Feb. 20	Application of the Government for immunity of the above witness from prosecution and for an order requiring him to answer questions before the Grand Jury; Adj. 2/25/75, at 10:00 a.m.;
Feb. 25	Grand Jury Witness Lawrence Panaro present with counsel, Nathan Seeburg. Court signs order of immunity and directs witness to appear before Grand Jury and give testimony.
Feb. 25	Filed Order and Application for Order requiring testimony, before U.S. Grand Jury--Curtin, J.
Feb. 25	Filed Witness - Lawrence Panaro's written Argument in regard to Witness---refusal to answer questions before Grand Jury
Feb. 28	Filed Notice of Motion, Order and Application for an Order pur. to Section 1826 of Title 28, U.S.C., remanding Lawrence Panaro to the custody of the U.S. Marshal, W.D.N.Y., ret. 3/4/75
Mar. 4	Witness present with counsel, Nathan Seeburg, Esq., Court-directs witness to return to grand jury and Government is to ask questions that are more specific than the previous questions. James Gresins, Esq. appears for the Government.
Mar. 5	Witness present with counsel, Nathan Seeburg. Court is advised that witness refused to answer certain questions put to him before the grand jury. Court directs that transcript of proceedings be made

PROCEEDINGS

DATE
1975

March 5	available for witness.; adj. to 3/10/75 at 2:00 P.M.; James Gresens, Esq., appears for the Government.
Mar. 10	Filed Transcript of Testimony of Lawrence Panaro, taken in proceedings held before the U.S. Grand Jury on 3/5/75
Mar. 10	Filed Dr. Alfred V. Cherry's report of medical treatment of Lawrence Panaro, dated 2/28/75
Mar. 10	Filed Medical Report of Dr. Franklyn N. Campagna, dated 2/28/75, in regard to Lawrence Panaro
Mar. 10	Filed Medical Report of Dr. Martin A. Angelo, for Lawrence Panaro, dated 3/3/1975
Mar. 10	Filed Cy. of X-ray Report from Sisters Of Charity Hospital, Buffalo, N.Y. for Lawrence Panaro
Mar. 10	Government moves for the confinement of The Witness for contempt in failing to answer questions before the Grand Jury. Adj. until 3/12/ at 2:00 P.M.; Witness requests That Court Assign Counsel. Court assigns Atty. Nathan Seeberg as counsel for the Witness. Clerk is to prepare order of appointment.
Mar. 11	Filed Cy. 5 of CJA-20 - Order appointing Nathan Seeberg, Esq., as Counsel for Witness--Curtin, J.; Cy. to the Adm. office, original ret. to counsel for submission of voucher.
Mar. 17	Witness present with counsel. The Government moves for the confinement of the Witness for contempt of Court in failing to answer questions before the grand jury. Motion granted. Witness is remanded to the custody of the U.S. Marshal until he testifies before the Grand Jury or for 18 months or for the life of the Grand Jury.
Mar. 17	Filed Order that the aforesaid Grand Jury Witness, Lawrence Panaro, be and is hereby remanded to the custody of the United States Marshal for the Western District of New York who shall confine him in some suitable place until such time as the said Witness shall indicate a willingness to testify and provide information in accordance with the previous Order of this Court or until such time as the Grand Jury shall be discharged or in any event no longer than a period of Eighteen (18) months, which ever shall occur first, in accordance with the provisions of Section 1826, of Title 28, U.S.C.--CURTIN, J.
Mar. 17	Filed affidavit by James W. Gresens, Special Atty. employed by the Department of Justice and assigned to the Organized Crime Strike Force in Buffalo, that the Federal Bureau of Investigation had not conducted any form of electronic surveillance at the residence of Lawrence Panaro, and had not overheard Lawrence Panaro on any form of electronic surveillance during period of January 1, 1974 through including 3/4/1975
Mar. 14	Filed Cy. of Application and Order that the record of the proceedings in camera on March 4, 1975, be unsealed as of this date--CURTIN, J.
Mar. 17	Filed Cy. of Court's stenographer's transcript of the Proceedings of in camera Conference held in Chambers, Part I, U.S. Court-house before Judge Curtin, on March 4, 1975.
Mar. 17	Filed Cy. 5 of CJA-21- Authorization for transcript
Mar. 18	Filed Defendant's Notice of Appeal
Mar. 19	Cy. of Notice of Appeal mailed to Government, Defendant, and to the CCA with Statement of Docket Entries, Forms A,B, and CJA-23, and Counsel's motion and affidavit to be relieved as counsel on appeal

ELDER OF LAWRENCE TOWNSHIP,

Misc. Crim. # 160 7-18-68.

[illegible]

CRIMINAL DOCKET
UNITED STATES DISTRICT COURT

1111 "3

D. C. Form No. 100 Rev.

Misc. Crim. # 155

TITLE OF CASE
THE UNITED STATES

ATTORNEYS

For U. S.:

vs.

IN THE MATTER OF GASPER BONA
GRAND JURY WITNESS

Robert Stewart, Esq.,
Atty.-In-Charge, Buffalo
Strike Force

(Contempt)

James Gresens, Esq.
Suite 921 Genesee Bldg.
1 W. Genesee St., Buffalo,
N.Y., (716)8-842-3285

For Defendant: On Appeal:

Robert Murphy, Esq.
727 Ridge Road
Lackawanna, New York 14218
Tel No. (716)826-7171

STATISTICAL RECORD

COSTS

DATE

NAME OR
RECEIPT NO.

REC.

DISB.

J.S. 2 mailed

Clerk

3/10/75
3/12/75

#19286
Tr. 48-1245

5 00

5 00

J.S. 3 mailed

Marshal

Violation

Docket fee

Title

Sec.

1975

DATE

PROCEEDINGS

Feb. 20 Application of the Government for immunity of the above witness from prosecution and for an order requiring him to answer questions before the Grand Jury; Adj. until 2/25/75, at 10:00 a.m.

Feb. 25 Grand Jury Witness Gasper Bona appears before Court and is granted immunity and ordered to appear before the Grand Jury and give testimony

Feb. 25 Filed Order and Application for Order requiring testimony, before U.S. Grand Jury--CURTIN, J.

Feb. 28 Filed Govt's notice of motion, with Order and Application for an-Order pur. to Section 1826 of Title 28, U.S.C., remanding Gasper Bona to the custody of the U.S. Marshal, W.D.N.Y., ret. 3/4/75

Mar. 4 Witness is present in court with counsel, Robert Murphy. Court directs witness to return to grand jury and Government is to ask questions that are more specific than the previous questions. James Gresins, Esq., appears for the Govt.

Mar. 4 Witness reappears in Court with counsel, Robert Murphy, and Govt. advised court that witness refused to answer certain questions put to him in the grand jury. Court directs that a transcript of grand jury proceedings be made and adjourns matter to Friday, March 7, 1975 at 9:30 A.M.- James Gresins, for Govt.

DATE
1975

PROCEEDINGS

Mar. 7	Witness is present in Court with counsel Robert Murphy. Govt. moves pur. to Sect. 1826, Title 28, U.S.C., that defendant be confined to the custody of the U.S. Marshal. Granted. Witness is re- manded to the custody of the Marshal, until he is willing to testify before the Grand Jury or for 18 months or the life of the Grand Jury
Mar. 7	Filed Cy. of transcript of testimony of Gasper J. Bona taken in proceedings held before the U.S. Grand Jury, on March 4, 1975
Mar. 7	Filed Affidavit of James W. Gressens, Sp. Atty., Department of Justice Organized Crime Strike Force, in Buffalo that the FBI had not conducted any form of electronic surveillance at the residence of Gasper Bona, etc.
Mar. 7	Filed Order that the Grand Jury Witness Gasper Bona, be and is hereby remanded to the custody of the United States Marshal for the Western District of N.Y. who shall confine him in some suitable place until such time as the said Witness shall indicate a willingness to testify and provide information in accordance with the previous Order of this Court or until such time as the Grand Jury shall be discharged or in any event no longer than a period of Eighteen (18) Months, which ever shall occur first in accordance with the provisions of Sect. 1826 of Title 28, U.S.C.--CURTIN, J.
Mar. 10	Filed Gaspar Bona's Notice of Appeal
Mar. 11	Cy. of Notice of Appeal mailed to Govt., Deft., and The CCA with Statement of Docket Entries, and forms
Mar. 13	Filed Ct. Steno's transcript of the Proceedings held before Judge Curtin Buffalo, New York, commencing on Feb. 20, 1975
Mar. 13	Filed Cys. 1 & 5 of CJA-21 - Authorization and voucher for transcript in the amt. of \$82.50; Orig. to the Adm. office for payment.
Mar. 13	Defendant present in Court without his counsel, signs an affidavit of poverty, pursuant to his application for appointment of counsel. Court informs the witness that he will recommend to the Court of Appeals that Robert Murphy be appointed as counsel.
Mar. 17	Filed Court's stenographer's transcript of the Proceedings of in camera Conference held in Chambers, Part I, U.S. Courthouse before Judge Curtin, on March 4, 1975
Mar. 14	Filed Orig.--Application and Order that the record of the proceedings in camera on March 4, 1975, be unsealed as of this date--CURTIN, J.
Mar. 24	Filed cy. of Scheduling Order from the CCA- that record be docketed on before March 26, 1975
Mar. 26	Filed Scheduling Order from the CCA- Record to be docketed to the Court of Appeals on or before March 26, 1975 (showing appointment of Robert Murphy as counsel for appellant)
Mar. 26	Original pertinent papers, clerk's certificate, index, and copy of docket entries sent to CCA

CRIMINAL DOCKET
UNITED STATES DISTRICT COURT

appeal

ITEM #4

75-1120

D.C. Form No. 100 Rev.

Misc. Crim. # 159

TITLE OF CASE

ATTORNEYS

THE UNITED STATES

For U.S.:

vs.

James Gresens, Esq.
Sp. Atty., Department of
Justice, Suite 921,
Genesee Bldg., 1 W.
Genesee Street, Buffalo,
N.Y., 14202; Tel. # (716)-
842-3285

IN THE MATTER OF THE GRAND JURY
FRANK MAMBRINO A GRAND JURY WITNESS

For Defendant:

James Lalime, Esq.
(assigned)
1710 Liberty Bank Bldg.
Buffalo, N.Y. 14202
Tel. # (716)853-4123

STATISTICAL RECORD

COSTS

DATE

NAME OR
RECEIPT NO.

REC.

DISB.

J.S. 2 mailed

Clerk

J.S. 3 mailed

Marshal

Violation

Docket fee

Title

Sec.

DATE
1975

PROCEEDINGS

Feb. 27	Frank Mambrino, a grand jury witness, present without counsel, requests the Court to assign an atty. Court will assign an atty. Witness is directed to appear at 9:30 am.m. on 3/6/75
Mar. 6	Filed Order and Application for Order Requiring testimony before the Grand Jury
Mar. 6	Government moves for immunity for Witness. Motion granted. Witness is directed to appear before the Grand Jury and answer questions put to him.
Mar. 10	Filed cy. 5 of CJA-20 Order appointing James Lalime as counsel for Witness Frank Mambrino, CURTIN, J.
Mar. 14	Witness was to appear in Court. Witness not present. Adj. to 3/17/75 at 2:00 P.M. for report on condition of Witness. Witness is to be present with his counsel.
Mar. 17	Filed Notice of motion, Order and Application for an Order pursuant to Section 1826 of Title 28, U.S.C., remanding Frank Mambrino, to the custody of the U.S. Marshal, W.D.N.Y. for contempt of Court, for failing to testify before the Grand Jury, ret. 3/17/75
Mar. 17	Witness present with counsel; the Government moves for the confinement of the Witness for Contempt of Court in failing to answer

DATE
1975

PROCEEDINGS

Mar. 17	questions before the grand jury. Motion granted. Witness is remanded to the custody of the U.S. Marshal until he testifies before the Grand Jury or for 18 months or for the life of the Grand Jury.
Mar. 17	Filed Order that the aforesaid Grand Jury Witness Frank Mambrino, be and is hereby remanded to the custody of the United States Marshal for the Western District of New York who shall confine him in some suitable place until such time as the said Witness shall indicate a willingness to testify and provide information in accordance with the previous Order of this Court or until such time as the Grand Jury shall be discharged or in any event no longer than a period of Eighteen (18) months which ever shall occur first, in accordance with the provisions of Section 182 of Title 28, U.S.C.-CURTIN, J.
Mar. 17	Filed Affidavit by James W. Gresens, Special Atty., employed by the Department of Justice and assigned to the Organized Crime Strike Force in Buffalo, that the FBI had not conducted any form of electronic surveillance at the residence of Frank Mambrino and had not overheard Frank Mambrino on any form of electronic surveillance during period of Jan. 1, 1974 through including 3/4/75
Mar. 14	Filed Cy. of Application and Order that the record of the proceedings in camera on 3/4/1975 be unsealed as of this date--CURTIN, J.
Mar. 17	Filed Cy. of Court's stenographer's transcript of the proceedings of in camera conference held in Chambers, Part I, U.S. Courthouse before Judge Curtin, on March 4, 1975
Mar. 17	Filed Cy. 5 of CJA-21 - Authorization for transcript
Mar. 18	Filed Defendant's Notice of Appeal
Mar. 24	Cy. of Notice of Appeal mailed to Govt., Deft., and to the CCA with forms A, B, CJA-23, statement of docket entries
Mar. 24	Filed Ct. Stenographer's transcript of proceedings held before Judge Curtin, commencing on Feb. 27, 1975
Mar. 28	Filed Scheduling Order from the CCA - that record be docketed on or before April 1, 1975 to the Court of Appeals

**CRIMINAL DOCKET
UNITED STATES DISTRICT COURT**

D. C. Form No. 100 Rev.

Misc. Cr. # 164

TITLE OF CASE	ATTORNEYS
THE UNITED STATES	For U. S.:
vs.	
IN THE MATTER OF THE GRAND JURY	James Gresens, Esq., Dept.
ROBERT OLIVER, A GRAND JURY WITNESS	of Justice Strike Force
	Suite 921, Genesee Bldg.
	1 W. Genesee St., Buffalo,
	New York, 14202; Tel No.
	(716) 842-3285
(Contempt)	
	For Defendant:
	Stephen LaMantia, Esq.
	(Assigned)
	816 Prudential Bldg.
	Buffalo, N.Y. 14203
	Tel No. (716) 856-1192

STATISTICAL RECORD	COSTS	DATE	NAME OR RECEIPT NO.	REC.	DISB.
J.S. 2 mailed	Clerk				
J.S. 3 mailed	Marshal				
Violation	Docket fee				
Title					
Sec.					

DATE	PROCEEDINGS
1975	
Feb. 27	Robert Oliver, a grand jury witness, present without counsel, requests the Court to assign an attorney. Court will assign an Attorney.
Mar. 6	Witness is directed to appear at 9:30 a.m. on 3/6/75. Filed Order and Application for Order Requiring Testimony before Grand Jury
Mar. 6	Government moves for immunity for witness. Motion granted. Witness is directed to appear before the grand jury and answer questions put to him.
Mar. 10	Filed cy. 5 of CJA 20--order appointing Stephen R. Lamantia as counsel for Robert Oliver CURTIN, J.
Mar. 19	Filed Affidavit of James W. Gresens, that the FBI had not conducted any form of electronic surveillance at the residence of Robert Oliver and had not identified Robert Oliver on any form of electronic surveillance during the period of January 1, 1974 through and including March 17, 1975.
Mar. 19	Filed Notice of Motion, Order and Application for an Order pursuant to Section 1826 of Title 28, U.S.C., remanding Robert Oliver to the custody of the United States Marshal for the Western District of New York, ret. 3/19/1975
Mar. 19	Witness present with counsel. The Government moves for the confinement

PROCEEDINGS

of the Witness for contempt of Court in failing to answer questions before the grand jury. Motion granted. Witness is remanded to the custody of the U.S. Marshal until he testifies before the grand jury or for 18 months or for the life of the grand jury.

Filed Order that the aforesaid Grand Jury Witness, Robert Oliver be and is hereby remanded to the custody of the United States Marshal for the Western District of New York who shall confine him in some suitable place until such time as the said Witness shall indicate a willingness to testify and provide information in accordance with the previous order of this Court or until such time as the Grand Jury shall be discharged or, in any event, no longer than a period of Eighteen (18) Months, whichever shall occur first all in accordance with the provisions of Section 1826 of Title 28, U.S.C.--CURTIN, J.

21 Filed Defendant's Notice of Appeal; Cy. to the Defendant, Government, and to the CCA with statement of Docket Entries, Forms A, B, and CJA-23

1 Filed cy. 5 of CJA 21--authorization for transcript--Curtin, J.--Cy. 4 sent to Adm. Office.

1 Filed Ct. Stenographer's transcript of the Proceedings held before Judge Curtin, commencing on 2/27/75

6 Original pertinent papers, clerk's certificate, index, and copy of docket entries mailed to CCA

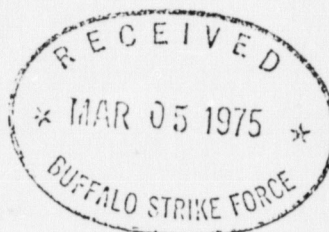
3 Filed scheduling order from the CCA - record be docketed to the CCA on or before 3/38/1975

626-629 Liberty Bank Bldg.

Buffalo, N. Y. 14202

853-5600

ITEM "C"
JOSEPH A. BUSCAGLIA



UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

THE UNITED STATES OF AMERICA,

STATEMENTS

-vs-

JOHN DOE,

EXAMINATIONS
BEFORE TRIAL

Defendant.

DEPOSITIONS

Testimony of JOSEPH A. BUSCAGLIA,
taken in proceedings held before the United
States Grand Jury, in the Federal Building,
Buffalo, New York, taken on March 4th, 1975,
commencing at 11:15 A.M.

CONFERENCES

APPEARANCES: RICHARD J. ARCARA, ESQ.,
United States Attorney,
By James W. Grosens, Esq.,
Special Justice Department Attorney,
United States Courthouse,
Buffalo, New York.

CONVENTIONS

ARBITRATIONS

PRESENT: KATHLEEN M. ATWOOD,
Grand Jury Court Reporter.

CERTIFIED SHORTHAND REPORTER
LICENSED BY THE
STATE OF NEW YORK
CERTIFICATE NO. 517

Jack W. Hunt C. S. R.
OFFICIAL SUPREME COURT REPORTER

& Associates

1 J O S E P H A . B U S C A G L I A , 602 Niagara
2 Street, Buffalo, New York, after being duly called
3 and sworn, testified as follows:
4

5 EXAMINATION BY MR. GRESSENS:
6

7 Q. Mr. Buscaglia, we have just been up in Judge Curtin's
8 Court. Now, I want to advise you once again, sir,
9 that you have been granted immunity from prosecution
10 in connection with your testimony here today by
11 an order which has been signed by Judge Curtin.
12 What that means is that anything you say in this
13 Grand Jury room can not be used against you in a
14 Court of Law. Accordingly, this takes away your
15 Fifth Amendment, the right to refuse to testify
16 on the grounds that it may incriminate you. I must
17 warn you, the Court Reporter is here taking down
18 everything that you say. You can be prosecuted
19 for any false statement, that is for perjury, in
20 connection with what's said here. Now, your
21 Counsel, Mr. Abramowitz, is right outside the door,
22 and I want you to feel free to consult with him.
23 And, this Grand Jury will give you as much time as

1 you need to talk to him on any question that you
2 wish. Do you understand that, sir?

3 A. Yes.

4 Q. Mr. Buscaglia, have you ever been at the premises
5 known as Hairy's Social Club located at 314 West
6 Ferry Street in the lower rear in Buffalo, New
7 York?

8 A. I would like to consult my lawyer.

9 Q. Yes, sir. Go ahead.

10 (Whereupon, the Witness then left the
11 Grand Jury room.)

12 (Whereupon, the Witness then re-entered
13 the Grand Jury room.)

14 MR. GRESENS: Would you like to have the question
15 read back, Mr. Buscaglia?

16 THE WITNESS: Yes.

17 (Whereupon, the last question was then
18 read back by the reporter.)

19 THE WITNESS: No, sir.

20 MR. GRESENS: Mr. Buscaglia, between June of 1974 and
21 February of 1975, have you ever seen a
22 card game called Edgnette played at
23 Hairy's Social Club?

1 THE WITNESS: I would like to converse with my lawyer.

2 (Whereupon, the Witness then left the
3 Grand Jury room.)

4 (Whereupon, the Witness then re-entered
5 the Grand Jury room.)

6 THE WITNESS: I would like to have that question asked
7 over again, sir.

8 (Whereupon, the last question was then
9 read back by the reporter.)

10 THE WITNESS: I would like to converse with my lawyer,
11 again.

12 MR. GRESENS: That's the same question you heard before.

13 THE WITNESS: I didn't get the last part of it.

14 MR. GRESENS: Okay. Fine.

15 (Whereupon, the Witness then left the
16 Grand Jury room.)

17 (Whereupon, the Witness then re-entered
18 the Grand Jury room.)

19 MR. GRESENS: Mr. Buscaglia, did you want the question
20 read again?

21 THE WITNESS: Right.

22 (Whereupon, the last question was then
23 read back by the reporter.)

1 THE WITNESS: No, sir.

2 MR. GRESENS: Mr. Buscaglia, have you ever seen or
3 do you have any knowledge whatsoever from
4 any source whatsoever regarding the
5 activities of Joseph Michael Fino in
6 supervising the collection of money from
7 his Ziginette game at Nairy's Social Club
8 or supervising the loaning of money to the
9 members known as Nairy's Social Club?

10 THE WITNESS: I want to go converse with my lawyer.

11 (Whereupon, the Witness then left the
12 Grand Jury room.)

13 (Whereupon, the Witness then re-entered
14 the Grand Jury room.)

15 MR. GRESENS: Would you like the question read back,
16 Mr. Buscaglia?

17 THE WITNESS: If you don't mind, please.

18 MR. GRESENS: Sure.

19 (Whereupon, the last question was then
20 read back by the reporter.)

21 THE WITNESS: I never was there, so I wouldn't know.

22 MR. GRESENS: The question, Mr. Buscaglia, was, have
23 you ever seen or do you have any knowledge

1 whosoever from any source whatsoever of
2 the activities of Joseph Michael Fino in
3 the collection of money in his Ziginette
4 game or the collecting of money in the
5 Ziginette game at Nairy's Social Club?

6 THE WITNESS: No, sir.

7 MR. GRESENS: Mr. Buscaglia, have you ever been at the
8 premises sometimes known as the Blue
9 Banner Social Club, also known as the
10 Gattysburg Social Club, located at
11 Fourteenth and Connecticut Streets in
12 Buffalo, New York and observed a Ziginette
13 card game in which a percentage of the
14 amount bet on each hand was raked at the
15 table and put in a box kept by the
16 Ziginette dealer?

17 THE WITNESS: I want to consult with my lawyer.

18 MR. GRESENS: Sure.

19 (Whereupon, the Witness then left the
20 Grand Jury room.)

21 (Whereupon, the Witness then re-entered
22 the Grand Jury room.)

23 MR. GRESENS: Would you like the question read again,

1 Mr. Buscaglia?

2 THE WITNESS: Yes, sir.

3 (Whereupon, the last question was then
4 read back by the reporter.)

5 THE WITNESS: I respectfully decline to answer that
6 question on the grounds that it violates
7 my rights under the First, Fourth, Fifth,
8 Sixth and Ninth Amendments of the Constitu-
9 tion. I also object on the grounds that
10 this is not material to a valid investigation.

11 MR. GRESENS: Mr. Buscaglia, I want to advise you, sir,
12 that you cannot object to the validity of
13 the investigation being carried on. I want
14 you to understand that Judge Curtin has
15 signed an order granting immunity from
16 prosecution, and you can not be prosecuted
17 from anything you say in this room unless
18 you commit perjury here. Do you understand
19 that, sir?

20 THE WITNESS: Can I go and consult with my lawyer?

21 MR. GRESENS: Go ahead, sir.

22 (Whereupon, the Witness then left the
23 Grand Jury room.)

1 (Whereupon, the Witness then re-entered
2 the Grand Jury room.)

3 MR. GRESENS: Mr. Buscaglia, do you wish to make some
4 answer?

5 THE WITNESS: I respectfully decline to answer that
6 question on the grounds that it violates
7 my right under the First, Fourth, Fifth,
8 Sixth and Ninth Amendments under the
9 Constitution. I also object on the grounds
10 it's not material to a valid investigation.

11 MR. GRESENS: Mr. Buscaglia, have you ever been present
12 at the premises known as the Connecticut
13 Street Social Club when Nicholas Rinaldo
14 or William Sciolino removed the raked money
15 from the dealer's box and thereafter
16 counted, retained, or loaned such money?

17 THE WITNESS: I respectfully decline to answer that
18 question on the grounds that it violates
19 my rights under the First, Fourth, Fifth,
20 Sixth and Ninth Amendments to the
21 Constitution. I also object on the grounds
22 it's not material to the valid investigation.

23 MR. GRESENS: Once again, Mr. Buscaglia, I want to

1 advise you that you have been granted
2 immunity from prosecution in connection
3 with your appearance here and that you can
4 not be prosecuted for anything that you say.
5 This means you can not incriminate yourself.
6 This takes away your Fifth Amendment rights.
7 to testify. Do you understand that, sir?

8 THE WITNESS: Yes, sir.

9 MR. GRESENS: You still refuse to answer those
10 questions?

11 THE WITNESS: Yes.

12 MR. GRESENS: You will have to answer.

13 THE WITNESS: Yes, sir.

14 MR. GRESENS: Mr. Buscaglia, have you, yourself, ever
15 (3) borrowed money from Nicholas Rinaldo or
16 William Sciolino at a six-for-five rate
17 or at any other rate of interest, or have
18 you ever seen Nicholas Rinaldo or William
19 Sciolino loaning money to any persons at
20 a six-for-five rate of interest?

21 THE WITNESS: I would like to consult my lawyer.

22 MR. GRESENS: Yes, sir. Go ahead.

23 (Whereupon, the Witness then left the

1 Grand Jury room.)

2 (Whereupon, the Witness then re-entered
3 the Grand Jury room.)

4 MR. CRESENS: Would you like the question read again,
5 sir?

6 THE WITNESS: Yes.

7 (Whereupon, the last question was then
8 read back by the reporter.)

9 THE WITNESS: I respectfully decline to answer that
10 question on the grounds that it violates
11 my rights under the First, Fourth, Fifth,
12 Sixth and Ninth Amendments to the
13 Constitution. I also object on the grounds
14 that it's not material to the valid
15 investigation.

16 MR. CRESENS: Once again, Mr. Buscaglia, I want you
17 to know you are under immunity for
18 prosecution. You can not incriminate
19 yourself for what you say. Do you under-
20 stand that, sir?

21 THE WITNESS: Yes, sir.

22 MR. CRESENS: You still decline to answer?

23 THE WITNESS: I respectfully decline to answer that

1 question on the grounds that it violates
2 my rights under the First, Fourth, Fifth
3 and Sixth and Ninth Amendments to the
4 Constitution. I also object on the grounds
5 that it's not material to a valid
6 investigation.

7 MR. GRESENS: Mr. Buscaglia, have you yourself ever
8 personally borrowed money from Frank
9 Chimento at a six-for-five rate of interest,
10 or do you know of any other person who has
11 borrowed money from Frank Chimento at such
12 a rate of interest?

13 THE WITNESS: I would like to consult with my lawyer.

14 MR. GRESENS: Certainly, sir. Go ahead.

15 (Whereupon, the Witness then left the
16 Grand Jury room.)

17 (Whereupon, the Witness then re-entered
18 the Grand Jury-room.)

19 MR. GRESENS: Did you wish to have the question read,
20 sir?

21 THE WITNESS: Yes, sir.

22 (Whereupon, the last question was then
23 read back by the reporter.)

1 THE WITNESS: I respectfully decline to answer the
2 question on the grounds that it violates
3 my rights under the First, Fourth, Fifth
4 and Sixth and Ninth Amendments to the
5 Constitution. I also object on the grounds
6 that it's not material to a valid
7 investigation.

8 MR. GRESENS: Mr. Buscaglia, I want to advise you again
9 that you are under immunity from
10 prosecution, that you can not be prosecuted
11 for anything that you say here. Do you
12 understand that, sir?

13 THE WITNESS: Yes, sir.

14 MR. GRESENS: You still refuse to answer?

15 THE WITNESS: Yes, sir.

16 MR. GRESENS: Mr. Buscaglia, were you present at the
17 Connecticut Street Social Club on or about
18 August 6th, 1974 when Frank Timineri was
19 beaten by Frank Chimento?

20 THE WITNESS: I would like to consult with my lawyer.

21 MR. GRESENS: Certainly, sir.

22 (Whereupon, the Witness then left the
23 Grand Jury room.)

1 (Whereupon, the Witness then re-entered
2 the Grand Jury room.)

3 MR. GRESENS: Would you like the question read again,
4 sir?

5 THE WITNESS: Yes, sir.

6 (Whereupon, the last question was then
7 read back by the reporter.)

8 THE WITNESS: I respectfully decline to answer that
9 question on the grounds that it violates
10 my rights under the First, Fourth, Fifth,
11 Sixth and Ninth Amendments to the
12 Constitution. I also object on the grounds
13 that it's not material to a valid
14 investigation.

15 MR. GRESENS: Mr. Buscaglia, do you have any knowledge
16 whatsoever, from any source whatsoever that
17 Charles Cassaro, Joseph Fino, Angelo
18 Massaro and John V. Camilleri were the
19 original founders of Nalry's Social Club
20 in the spring of 1974 and that Salvatore
21 Pieri took over John Camilleri's interest
22 in the club after the latter's murder?

23 THE WITNESS: I would like to talk to my lawyer.

1 MR. GRESENS: Certainly. Go ahead, sir.

2 (Whereupon, the Witness then left the
3 Grand Jury Room.)

4 (Whereupon, the Witness then re-entered
5 the Grand Jury room.)

6 MR. GRESENS: Would you like the question re-read, sir?

7 THE WITNESS: Yes, sir.

8 (Whereupon, the last question was then
9 read back by the reporter.)

10 THE WITNESS: I know nothing about that, sir. Never
11 been in Nairy's Club.

12 MR. GRESENS: The question was not whether you have
13 been in the club. The question was whether
14 you had any knowledge whatsoever from any
15 source whatsoever, hearsay or otherwise,
16 gossip, rumor, regarding those events
17 that I asked you about in that question?

18 THE WITNESS: No, sir.

19 MR. GRESENS: Mr. Buscaglia, do you have any knowledge
20 at all, hearsay or otherwise, from any
21 source whatsoever, that Joseph Fino,
22 Michael Bona, Frank Fantauzzo, Gaetano
23 Nicoli, or Gaspar Bona have been looning

1 money to any persons at the Nairy's Social
2 Club?

3 THE WITNESS: Could I talk to my lawyer?

4 MR. GRESENS: Wish to consult with your Counsel?

5 THE WITNESS: Yes, sir.

6 MR. GRESENS: Okay.

7 (Whereupon, the Witness then left the
8 Grand Jury room.)

9 (Whereupon, the Witness then re-entered
10 the Grand Jury room.)

11 MR. GRESENS: Are you prepared to answer, sir, or do
12 you want the question read again?

13 THE WITNESS: I would like to have the question read
14 again.

15 (Whereupon, the last question was then
16 read back by the reporter.)

17 THE WITNESS: I have no personal knowledge about
18 those matters.

19 MR. GRESENS: Mr. Buscaglia, do you have any knowledge
20 other than personal knowledge about these
21 matters?

22 THE WITNESS: I have no knowledge about those matters.

23 MR. GRESENS: What do you mean by "personal knowledge"?

1 THE WITNESS: I would like to talk to my lawyer, sir.

2 (Whereupon, the Witness then left the
3 Grand Jury room.)

4 (Whereupon, the Witness then re-entered
5 the Grand Jury room.)

6 THE WITNESS: Stay on my answer, sir.

7 MR. GRESENS: Mr. Buscaglia, have you heard any rumors
8 in the community in which you live that
9 Joseph Fino, Michael Bona, Frank Fantauzzo,
10 Gaetano Miceli, or Gaspar Bona have been
11 loaning money at a six-for-five percentage
12 of interest to the persons at the Nairy's
13 Social Club?

14 THE WITNESS: Could I talk to my lawyer, sir?

15 MR. GRESENS: Sure.

16 (Whereupon, the Witness then left the
17 Grand Jury room.)

18 (Whereupon, the Witness then re-entered
19 the Grand Jury room.)

20 MR. GRESENS: Are you prepared to answer, sir, or --

21 THE WITNESS: I would like to have the question read
22 again.

23 (Whereupon, the last question was then

1 read back by the reporter.)

2 THE WITNESS: I respectfully decline to answer that
3 question on the grounds that it violates
4 my rights under the First, Fourth, Fifth,
5 Sixth and Ninth Amendments to the
6 Constitution. I also object on the grounds
7 that it's not material to a valid
8 investigation. I have no personal knowledge
9 about those matters. I object further on
10 the grounds that this is pure hearsay and
11 speculation.

12 MR. GRESENS: Mr. Buscaglia, were you present at the
13 Connecticut Social Club during August --
14 August the 17th, 1974 in which a Ziginette
15 game was in progress, and during this
16 Ziginette game when thousands of dollars
17 were wagered during a single hour's play?

18 THE WITNESS: I would like to talk to my lawyer.

19 MR. GRESENS: Sure.

20 (Whereupon, the Witness then left the
21 Grand Jury room.)

22 (Whereupon, the Witness then re-entered
23 the Grand Jury room.)

1 MR. GRESENS: Are you ready to answer, sir?

2 THE WITNESS: I respectfully decline to answer that
3 question on the grounds that it violates
4 my rights under the First, Fourth, Fifth,
5 Sixth and Ninth Amendments to the
6 Constitution. I also object on the grounds
7 that it's not material to a valid investi-
8 gation. Please explain to me it's
9 relevancy and materiality.

10 MR. GRESENS: This Grand Jury is investigating
11 violation of Section 1955 of Title 18.
12 That involves illegal gambling business.
13 We are trying to determine whether an
14 illegal gambling business, which employs
15 a Ziginette game, functions at the
16 Connecticut Street Social Club. That, sir,
17 is the relevancy of the question. Do you
18 understand?

19 THE WITNESS: Can I talk to my lawyer?

20 MR. GRESENS: That's up to you, sir.

21 THE WITNESS: That's good enough.

22 MR. GRESENS: Let me ask you this, Mr. Euscaglia. Were
23 you present at the Connecticut Street

1 Social Club on August 17th when William
2 Sciolino, Robert Barresi, sometimes known
3 as Peter Barresi, sometimes known as
4 Dobby the Tie, were counting the money
5 from the dealer's box which was used in a
6 Ziginette game there?

7 THE WITNESS: I respectfully decline to answer that
8 question on the grounds that it violates
9 my rights under the First, Fourth, Fifth,
10 Sixth and Ninth Amendments of the
11 Constitution. I also object on the
12 grounds that it's not material to a valid
13 investigation.

14 MR. GRESENS: Mr. Buscaglia, you have been granted
15 immunity from prosecution here by Judge
16 Curtin. He signed an order. You can not
17 be prosecuted, sir, for any information
18 that you give here unless you testify
19 falsely. And, accordingly, this takes away
20 your Fifth Amendment right to refuse to
21 testify. You can be held in civil contempt
22 to refuse to answer. Do you understand
23 that?

1 THE WITNESS: Can I converse with my lawyer?

2 MR. GRESENS: Yes.

3 (Whereupon, the Witness then left the
4 Grand Jury room.)

5 (Whereupon, the Witness then re-entered
6 the Grand Jury room.)

7 MR. GRESENS: Are you prepared to answer, Mr. Buscaglia?

8 Would you like the question read again?

9 THE WITNESS: I respectfully decline to answer that
10 question on the grounds that it violates
11 my rights under the First, Fourth, Fifth,
12 Sixth and Ninth Amendments to the
13 Constitution. I also object on the grounds
14 that it's not material to a valid
15 investigation. Please explain to me its
16 relevancy and materiality.

17 MR. GRESENS: I just was telling you that Judge Curtin
18 has signed an order granting you immunity
19 from prosecution and that you can not be
20 prosecuted from any statement you make here.
21 All you can be prosecuted for is perjury
22 for statements you make here. You can be
23 possibly found in Civil contempt for refusing

1 to answer that question. Is that what you
2 were answering before?

3 THE WITNESS: Yes.

4 MR. GRESENS: Do you understand that?

5 THE WITNESS: Yes.

6 MR. GRESENS: Mr. Buscaglia, were you present at the
7 Connecticut Street Social Club on the
8 19th of August, 1974, at approximately
9 twelve midnight when Nicholas Rinaldo and
10 William Sciolino were present and at
11 which time a Ziginette game was in progress?

12 THE WITNESS: I respectfully decline to answer that
13 question on the grounds that it violates
14 my rights under the First, Fourth, Fifth,
15 Sixth and Ninth Amendments to the
16 Constitution. I also object on the grounds
17 that it's not material to a valid
18 investigation. Please explain to me its
19 relevancy and materiality.

20 MR. GRESENS: The relevancy and materiality, Mr.
21 Buscaglia, this is also related to a
22 violation of Title 18, Section 1955 involving
23 illegal gambling business. And, what we're

1 trying to ascertain here is whether an
2 illegal gambling business, which violates
3 Federal law, is in progress at the
4 Connecticut Street Social Club. This
5 question was directed to ascertaining
6 whether a Ziginette game was played as
7 part of that illegal gambling business.
8 Mr. Buscaglia, let me ask you this. Were
9 you present at the Connecticut Street
10 Social Club on August 19th of 1974, at which
11 time considerable sums of money were borrowed
12 from Nicholas Rinaldo and William Sciolino
13 by various players in the Ziginette game?

14 THE WITNESS: I respectfully decline to answer that
15 question on the grounds that it violates
16 my rights under the First, Fourth, Fifth,
17 Sixth and Ninth Amendments to the
18 Constitution. I also object on the grounds
19 that it's not material to a valid
20 investigation.

21 MR. GRESSENS: Mr. Buscaglia, have you ever seen
22 personally, or do you have any knowledge
23 from any source, even if not personal, of

1 persons who William Sciolino has beaten
2 to force the repayment of loans at a
3 six-for-five rate?

4 THE WITNESS: I would like to converse with my lawyer.

5 MR. GRESENS: Certainly, sir.

6 (Whereupon, the Witness then left the
7 Grand Jury room.)

8 (Whereupon, the Witness then re-entered
9 the Grand Jury room.)

10 MR. GRESENS: Are you prepared to answer that question,
11 Mr. Buscaglia, or would you like it read
12 again?

13 THE WITNESS: I respectfully decline to answer that
14 question on the grounds that it violates
15 my right under the First, Fourth, Fifth,
16 Sixth and Ninth Amendments to the
17 Constitution. I also object on the grounds
18 that it's not material to a valid
19 investigation. Please explain to me it's
20 relevancy and materiality.

21 MR. GRESENS: The relevancy and materiality, Mr.
22 Buscaglia, is that one of the crimes this
23 Grand Jury is investigating is violations

1 of Sections 392 to 394 of Title 13. These
2 involve extortionate credit transactions,
3 sometimes known as loan sharking. We are
4 attempting to ascertain whether any loan
5 sharking activities have occurred at the
6 Connecticut Street Social Club and whether
7 any force has been used by Mr. Sciolino
8 or anyone else to force the repayment of
9 these debts. Do you understand that, sir?

10 THE WITNESS: I respectfully decline to answer that
11 question on the grounds that it violates
12 my rights under the First, Fourth, Fifth,
13 Sixth and Ninth Amendments to the
14 Constitution. I also object on the grounds
15 that it's not material to a valid
16 investigation.

17 MR. GRESENS: Mr. Buscaglia, I just want to explain
18 once again to you that you are under
19 immunity from prosecution, that you
20 personally can not be prosecuted for any-
21 thing that you say. But, I do want to
22 advise you that your failure to answer here
23 could result in the Government's movement

1 for an order from Judge Curtin to hold
2 you in Civil contempt for refusing to
3 answer.. Do you understand that, sir?

4 THE WITNESS: Yes, sir.

5 MR. GRESENS: And, you still decline to answer, sir?

6 THE WITNESS: Yes, sir.

7 MR. GRESENS: That's all, Mr. Buscaglia. You are
8 excused.

9 * * *

C E R T I F I C A T I O N

I hereby CERTIFY that I, KATHLEEN M. ATWOOD, having attended a session of the Federal Grand Jury, as Grand Jury Stenographer, on March 4th, 1975, reported the proceedings contained in the foregoing twenty-five pages at the time and place set forth in the heading in the foregoing matter. That the transcript is an accurate and complete record of the proceedings to the best of my ability.

Kathleen M. Atwood
KATHLEEN M. ATWOOD.

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NEW YORK

IN THE MATTER OF

JOSEPH BUSCAGLIA

AFFIDAVIT

A GRAND JURY WITNESS

STATE OF NEW YORK)
COUNTY OF ERIE) ss.:
CITY OF BUFFALO)

PHILIP B. ABRAMOWITZ, being duly sworn deposes and says:

1. That I am an attorney admitted to practice before this Court and I am fully familiar with all the facts and circumstances of the above-referenced case.

2. This Affidavit is submitted in opposition to a Motion asking that JOSEPH BUSCAGLIA be remanded to the custody of the United States Marshall for the Western District of New York.

WIRETAPS

3. JOSEPH BUSCAGLIA is a resident of Buffalo, New York who is the Secretary-Treasurer of the Gettysburg Social Club, Inc., a corporation existing under the laws of the State of New York with its principle place of business at 374 Connecticut Street, Buffalo, New York.

4. Your Deponent asked JAMES W. GRESENS, the strike force attorney in charge of this investigation whether or not the residence of JOSEPH BUSCAGLIA or the Gettysburg Social Club, Inc. had their telephones tapped.

5. MR. GRESENS stated that there were no wiretaps at the residence of MR. BUSCAGLIA but refused to confirm or deny the existence of wiretaps at the Gettysburg Social Club, Inc., a corporation of which MR. BUSCAGLIA is an officer.

6. Upon information and belief, the Gettysburg Social Club at 374 Connecticut Street, in Buffalo, New York has had its telephones tapped.

7. Upon information and belief, the investigation which the Grand Jury is conducting and questions which the Grand Jury wishes to be submitted to JOSEPH BUSCAGLIA are based directly or indirectly upon information obtained by an illegal wiretap.

PERTINENCY OF QUESTIONS BEFORE GRAND JURY

8. In Paragraph 3 of his papers submitted in support of his Motion to have JOSEPH BUSCAGLIA remanded to the custody of the Federal Marshall, MR GRESENS states that "on February 25, 1975, the said witness... did unlawfully refuse to answer pertinent questions but to him by the said Grand Jury and this legal adviser". (Emphasis supplied)

9. The above allegation by the prosecutor is completely inaccurate as an examination of the Grand Jury transcript will demonstrate. Neither the Grand Jury nor its legal adviser, MR. GRESENS, asked one pertinent question relating to any criminal activity of any person. The only questions asked related to the witness's understanding of his privilege.

10. In order for there to be a finding of contempt, the questions asked must always be at least "pertinent" or "material". See in Re Schofield, 486 F.2d 85.

FIRST AMENDMENT CLAIM - FREEDOM OF ASSOCIATION

11. The Gettysburg Social Club, Inc. is a corporation existing under the laws of the State of New York with JOSEPH BUSCAGLIA as its Secretary-Treasurer. Until the Grand Jury investigation in this case, the Social Club was a thriving organization open 24 hours a day with members constantly exchanging ideas and having conversations concerning politics, the affairs of the day, and other matters.

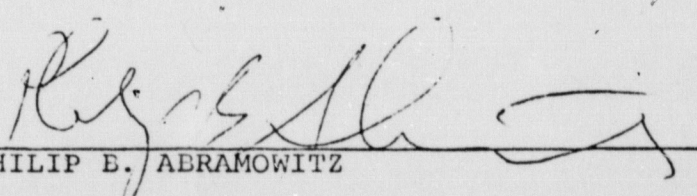
12. Since the Grand Jury investigation in this case and the subpoenaing of witnesses, many of whom are members of the Social Club, the club has been forced to close down as not one person dares to enter the club and associate with any other members. Thus, the free exercise of the first amendment freedom of association has been thoroughly chilled and brought to a grinding halt by the activity of the Government's Grand Jury investigation.


13. In Bursey vs. United States, 466 F.2d 1059 (Ninth Circuit 1972) the Court in discussing Grand Jury investigations stated,

"When Governmental activity collides with first amendment rights, the Government has the burden of establishing that its interests are legitimate and compelling and that the incidental infringement upon first amendment rights is no greater than is essential to vindicate its subordinating interests."

14. Here the Government has not even attempted to show that its interests are legitimate and compelling.

WHEREFORE, it is respectfully requested that this Court deny the Government's Motion to remand the witness, JOSEPH BUSCAGLIA, to the custody of the Attorney General.


PHILIP B. ABRAMOWITZ


STANLEY J. COLLESANO
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES MARCH 30, 19...

MARTOCHE, COLLESANO, ABRAMOWITZ & GELLER

Attorneys at Law • 76 Niagara Street • Buffalo, New York 14202 • (716) 855-0717

ITEM #8

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NEW YORK

IN THE MATTER OF
JOSEPH BUSCAGLIA
A GRAND JURY WITNESS

FILED
MAR 7 10 33 AM '75
U.S. DISTRICT COURT
W.D. OF N.Y.
AFFIDAVIT

STATE OF NEW YORK)
COUNTY OF ERIE) ss.:
CITY OF BUFFALO)

PHILIP B. ABRAMOWITZ, being duly sworn deposes and says:

1. That I am an attorney admitted to practice before this Court and I am fully familiar with all the facts and circumstances of the above-referenced case.

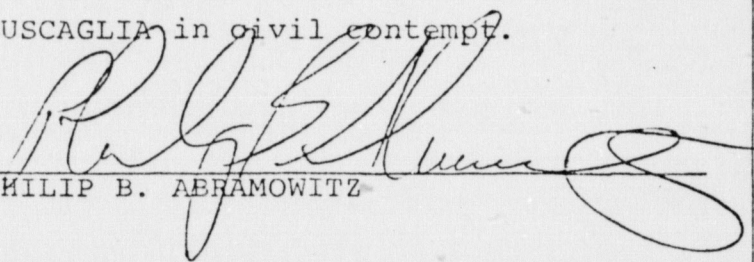
2. This Affidavit is submitted to supplement my Affidavit which I submitted to this Court on March 4, 1975.

3. JAMES GRESENS, the strike force attorney in charge of this investigation, refused to affirm or deny the existence of any form of electronic eavesdropping in this case but did state that he believes that MR. BUSCAGLIA was not overheard by any electronic device.

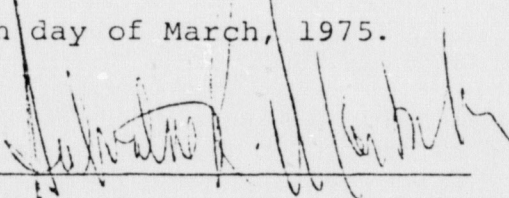
4. By virtue of MR. GRESENS remarks, it is respectfully submitted upon information and belief that the Government in fact does not know whether or not it did overhear MR. BUSCAGLIA on any one of its electronic devices.

5. The Government should not be permitted to assert that it did not hear MR. BUSCAGLIA on any one of its electronic devices unless the voices on its tapes can be positively identified.

WHEREFORE, it is respectfully requested that this Court deny the Government's Motion to hold JOSEPH BUSCAGLIA in civil contempt.


PHILIP B. ABRAHAMOWITZ

Sworn to before me this
7th day of March, 1975.


SALVATORE R. MARTOCHE
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES MARCH 30, 1975

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NEW YORK

IN THE MATTER OF

JOSEPH BUSCAGLIA

AFFIDAVIT

A GRAND JURY WITNESS

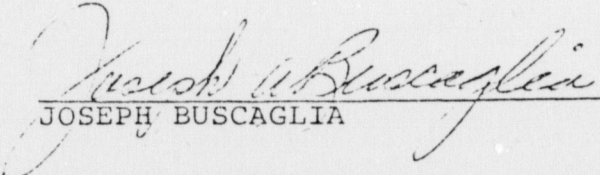
STATE OF NEW YORK)
COUNTY OF ERIE) ss.:
CITY OF BUFFALO)

U.S. DISTRICT COURT
WESTERN DISTRICT OF NEW YORK
JAN 7 11 33 AM '75

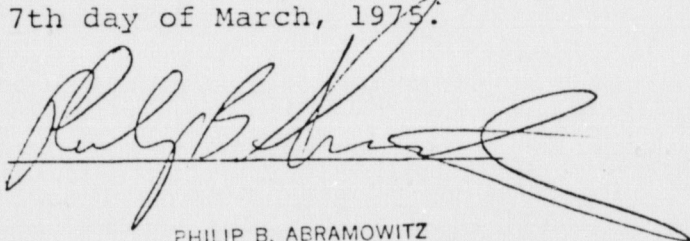
JOSEPH BUSCAGLIA, being duly sworn deposes and says:

1. I am a member and the Secretary-Treasurer of the Gettysburg Social Club, Inc., a Not-For Profit Corporation of the State of New York.
2. Attached hereto and made a part hereof is the Certificate of Incorporation of the Gettysburg Social Club, Inc.
3. Until the Grand Jury investigation and the subpoenaing of many of our club members, the Social Club was a thriving organization with members constantly about, exchanging ideas, associating with one another and having conversations concerning politics, the affairs of the day and other matters.
4. Since the Grand Jury investigation began in this case and many of our members were subpoenaed, the club has been totally shut down as not one person dares to enter the club to associate with any other members.
5. Thus, the free exercise of the First Amendment's Freedom of Association, has been thoroughly chilled and brought to a grinding halt by the activity of the Government's Grand Jury investigation.

WHEREFORE, it is respectfully requested that this Court deny the Government's Motion to hold me in civil contempt unless and until the Government first comes forward and shows in an adversary hearing that its interests are legitimate and compelling.


JOSEPH BUSCAGLIA

Sworn to before me this
7th day of March, 1978.


PHILIP B. ABRAMOWITZ
Notary Public, State of New York
Qualified in Erie County
My Commission Expires March 30, 1980

CERTIFICATE OF INCORPORATION
OF GETTYSBURG SOCIAL CLUB, INC.
UNDER SECTION 402 OF THE
NOT-FOR-PROFIT CORPORATION LAW

The undersigned, PETER BARRESI, 223 Millicent Street, Buffalo, New York, for the purpose of forming a Not-For-Profit Corporation pursuant to Section 402 of the Not-For-Profit Corporation Law of the State of New York certifies:

FIRST: That the name of the corporation is Gettysburg Social Club, Inc.

SECOND: That the corporation is a corporation as defined in Sub-Paragraph A 5 of Section 102 of the Not-For-Profit Corporation Law of New York State and is formed exclusively for purposes other than for pecuniary profit or for financial gain and that no part of the assets, income or profit of this corporation shall be distributable to or enure to the benefit of its members, directors or officers except to the extent permitted by the Not-For-Profit Corporation Law of the State of New York.

That the purpose for which this corporation is formed is to promote fellowship and extend acquaintanceship by means of social gatherings and lectures; to promote social intercourse among the members by means of dances, dinners, musicals, and other forms of entertainment; to engage generally in any causes or objects similar to the above mentioned in order to promote the cultural, social, literary, and mental welfare of the members; and to promote brotherhood and sociability among its members, to hold and conduct social meetings, excursions, and entertainments for its members, to promote the welfare of its members morally, educationally, and fraternally, and to make contracts, purchase, mortgage, or lease and hold all real and personal property necessary to carrying out these purposes.

That this corporation shall be a type A corporation as defined in Section 201 B of the Not-For-Profit Corporation Law of the State of New York.

THIRD: That the principal office of the corporation shall be in the City of Buffalo, County of Erie and State of New York.

FOURTH: That the territory in which its activities are principally to be conducted is the County of Erie.

FIFTH: That the duration of the corporation shall be perpetual.

SIXTH: The post office address to which the Secretary of State shall mail a copy of any notice required by law shall be 1440 Rand Building, 14 Lafayette Square, Buffalo, New York 14203.

SEVENTH: That no approvals or consents are required for the filing of this certificate.

~~EXCEPT WHERE THE SECRETARY OF STATE AND HER OFFICE DESIGNATED
HEREIN AS THE OFFICE OF THE SECRETARY OF STATE AND HER OFFICE
DESIGNATED AS THE OFFICE OF THE SECRETARY OF STATE AND HER OFFICE
DESIGNATED AS THE OFFICE OF THE SECRETARY OF STATE AND HER OFFICE~~

IN WITNESS WHEREOF, the undersigned has made, signed and acknowledged this certificate this 10th day of July, 1974.



Peter Barresi
223 Millicent Street
Buffalo, New York 14213

CITY OF BUFFALO :
STATE OF NEW YORK : ss.
COUNTY OF ERIE :

On this 10 day of July, Nineteen Hundred and Seventy Four, before me, the subscriber, personally appeared PETER BARRESI, to me personally known and known to me to be the same person described in and who executed the within Instrument, and he acknowledged to me that he executed the same.



JOHN D. FLORIO
Notary Public, State of New York
Qualified in Erie County

625-629 Liberty Bank Bldg.
Buffalo, N. Y. 14202
853-5600

LAWRENCE PANARO

STATEMENTS

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

CONFIDENTIAL

IDENTITY TESTIMONY

UNITED STATES OF AMERICA,

READ and COMPLETE

-VS-

ATTACHED FORM

EXAMINATIONS
BEFORE TRIAL

JOHN DOE,

DEPOSITIONS

Testimony of LAWRENCE PANARO

taken in proceedings held before the United States
Grand Jury, in the Federal Building, Buffalo, New York,
taken on March 5th, 1975, commencing
at 11:04 A.M.

CONFERENCES

APPEARANCES:

RICHARD J. ARCARA, Esq.,
United States Attorney,
By James W. Cresens, Esq.,
Special Justice Department Attorney,
United States Courthouse,
Buffalo, New York.

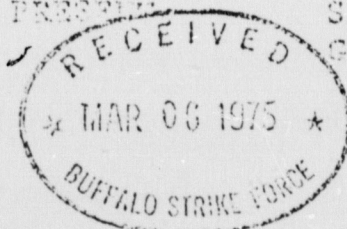
CONVENTIONS

ARBITRATIONS

PRESIDENT

SANTO VETRANO,

Grand Jury Court Reporter.



Jack W. Hunt C. S. R.

OFFICIAL SUPREME COURT REPORTER

& Associates

CERTIFIED SHORTHAND REPORTER
LICENSED BY THE
STATE OF NEW YORK
CERTIFICATE NO. 517

1 L A W R E N C E P A N A R O , after being duly
2 called and sworn, testified as follows:

3
4 EXAMINATION BY MR. GRESENS:

5
6 Q. Mr. Panaro, you appeared before Judge Curtin last
7 week, and the Judge signed an order granting you
8 immunity from prosecution, now what this means
9 is you cannot be prosecuted for any statements that
10 you make in this room nor can those statements be
11 used against you. So even if these statements
12 should incriminate you in some way, they could not
13 be used against you in a Court of Law. The only
14 thing that you can be prosecuted for that goes on
15 in this room is false statements. If you lie or
16 perjure yourself, you can be prosecuted for
17 perjury. I wish to inform you that the Court
18 Reporter is taking down all of the conversation in
19 this room and there will be a record made of what
20 is said today. Do you understand that, sir? You'll
21 have to answer.

22 A. I respectfully decline to answer any questions on
23 the grounds my answer may tend to incriminate me

1 on the grounds of the First, Fourth, Fifth, Sixth
2 and Ninth Amendments of the Constitution and on
3 the future grounds that the grant of immunity is
4 improper.

5 Q. Mr. Panaro, I want to also advise you your Counsel,
6 Mr. Julius Ramm is waiting outside here for you
7 anytime you want to go out and talk to your attorney,
8 you're free to go, any question I ask you that
9 gives you some trouble, you can leave. If you just
10 want to go out and consult with him about anything
11 at all, you're free to do so, you're free to leave
12 at any time. Do you understand that, sir?

13 A. I respectfully decline to answer any questions on
14 the grounds my answer may tend to incriminate me
15 on the grounds of First, Fourth, Fifth, Sixth, Ninth
16 Amendments of the Constitution and on the future
17 grounds that the grant of immunity is improper.

18 Q. Do you mean further grounds that the grant of
19 immunity is improper?

20 A. The grant of immunity is improper.

21 Q. You said the future grounds, do you mean the further
22 grounds?

23 A. I respectfully decline to answer the questions on

1 the grounds my answer may tend to incriminate me
2 on the grounds of the First, Fourth, Fifth, Sixth
3 and Ninth Amendments of the Constitution, and on
4 the future grounds that the grant of immunity is
5 improper.

6 Q. You keep saying the future grounds, do you mean the
7 further grounds?

8 A. Future grounds.

9 Q. All right. Mr. Panaro, I want you to know you can
10 go out and talk to your Counsel anytime you want,
11 do you understand that?

12 A. Yes.

13 Q. Mr. Panaro, have you ever been present at the
14 premises known as Nairy's Social Club located at
15 314 West Ferry Street, lower rear, Buffalo, New
16 York?

17 A. I respectfully decline to answer the question on
18 the grounds that my answer may tend to incriminate
19 me on the grounds of the First, Fourth, Fifth, Sixth,
20 Ninth Amendment of the Constitution and on the
21 future grounds that the grant of immunity is
22 improper.

23 Q. Mr. Panaro, I want you to understand that if you

1 fail to answer the questions here today, under a
2 grant of immunity, the Government will move to
3 Judge Curtin's Court to hold you in civil contempt
4 and as a result of that you may be incarcerated
5 until such time you do answer or the term of this
6 Grand Jury expires, do you understand that, sir?

7 A. I respectfully decline to answer that question on
8 the grounds my answer may tend to incriminate me,
9 on the grounds of the First, Fourth, Fifth, Sixth,
10 Ninth Amendment of the Constitution and on the
11 future grounds that the grant of immunity is
12 improper.

13 Q. Mr. Panaro, between June of 1974 and February of
14 1975, did you ever see a Zigarette card game
15 played at Nairy's?

16 A. I respectfully decline to answer the questions on
17 the grounds that my answer may tend to incriminate
18 me, on the grounds of the First, Fourth, Fifth,
19 Sixth, Ninth Amendment of the Constitution and the
20 future grounds that the grant of immunity is
21 improper.

22 Q. Are you sure you don't want to go out and talk to
23 Mr. Kamm who's just outside the room waiting for you?

1 A. I respectfully decline to answer the question on
2 the grounds that the answer may tend to incriminate
3 me, on the grounds of the First, Fourth, Fifth,
4 Sixth, Ninth Amendments of the Constitution and
5 on the future grounds that the grant of immunity
6 is improper.

7 Q. Mr. Panaro, have you ever seen Joseph Michael Fino
8 supervising the collection of money from any
9 Ziginette game or supervising the loaning of
10 money in connection with any Ziginette game at
11 Nairy's?

12 A. I respectfully decline to answer the questions on
13 the grounds that my answer may tend to incriminate
14 me, on the grounds of the First, Fourth, Fifth, Sixth
15 and Ninth Amendments of the Constitution and
16 future grounds that the grant of immunity is
17 improper.

18 Q. Mr. Panaro, do you have any knowledge regarding the
19 fact that Charles Cassaro, Joseph Fino, Angelo
20 Massaro, and John V. Camilleri were the original
21 founders of Nairy's Social Club in the spring of
22 1974?

23 A. I respectfully decline to answer the question on

1 the grounds that my answer may tend to incriminate
2 me, on the grounds of the First, Fourth, Fifth,
3 Sixth and Ninth Amendments of the Constitution and
4 on the future grounds that the grant of immunity is
5 improper.

6 Q. Mr. Panaro, do you have any knowledge whatsoever
7 regarding the fact that Salvatore Pieri has taken
8 over John Cammilleri's interest in Nairy's Social
9 Club after Mr. Cammilleri's death?

10 A. I respectfully decline to answer the question on
11 the grounds my answer may tend to incriminate me,
12 on the grounds of the First, Fourth, Fifth, Sixth
13 and Ninth Amendments of the Constitution and on the
14 future grounds that a grant of immunity is improper.

15 Q. Mr. Panaro, have you ever borrowed money at Nairy's
16 Social Club from Joseph Fino, Michael Bona, Gaetano
17 Miceli, Frank Fantauzzo or Gaspar Bona at a six-for-
18 five rate of interest or any other rate of interest?

19 A. A respectfully decline to answer the question on
20 the grounds my answer may tend to incriminate me,
21 on the grounds of the First, Fourth, Fifth, Sixth
22 and Ninth Amendments of the Constitution and on the
23 future grounds that the grant of immunity is

1 improper.

2 Q. Mr. Panaro, I just want to tell you once more,
3 you're under a grant of immunity here, and that
4 takes away your Fifth Amendment right to refuse to
5 testify. Do you understand that, sir?

6 A. I respectfully decline to answer that question on
7 the grounds my answer may tend to incriminate me,
8 on the grounds of the First, Fourth, Fifth, Sixth,
9 Ninth Amendments of the Constitution and the future
10 grounds that the grant of immunity is improper.

11 Q. All right, Mr. Panaro, I just want you to know you
12 can go out and talk to Mr. Ramm at any time you
13 want, you're free to leave the room whenever you
14 choose. Mr. Panaro, have you ever observed Joseph
15 Fino, Michael Bona, Frank Fantauzzo, Gaetano Miceli
16 or Gaspar Bona loaning money to any person at
17 Nairy's Social Club at a six-for-five rate of
18 interest or at any other rate of interest?

19 A. I respectfully decline to answer the question on
20 the grounds my answer may tend to incriminate me
21 on the grounds of One, Four, Five, Six and Nine
22 Amendments of the Constitution and on the future
23 grounds that the grant of immunity is improper.

1 Q. Mr. Panaro, have you ever observed a Ziginette
2 card game at Nairy's Social Club in which
3 approximately five percent of the amount bet on
4 each hand is raked and deposited in a box kept
5 by the Ziginette dealer?

6 A. I respectfully decline to answer the question on
7 the grounds my answer may tend to incriminate me
8 on the grounds of the First, Fourth, Fifth, Sixth
9 and Ninth Amendments of the Constitution on the
10 future grounds that the grant of immunity is
11 improper.

12 Q. Mr. Panaro, have you ever been present at Nairy's
13 Social Club when Joseph Fino or Michael Bona
14 removed the raked money from the dealer's box and
15 thereafter counted, retained or loaned out such
16 money?

17 A. I respectfully decline to answer the question on
18 the grounds my answer may tend to incriminate me
19 on the grounds of the First, Fourth, Fifth, Sixth
20 and Ninth Amendments of the Constitution, on the
21 future grounds that the grant of immunity is
22 improper.

23 Q. Mr. Panaro, do you have any knowledge at all that

1 Salvatore Pieri has a financial interest in
2 Nairy's Social Club?

3 A. I respectfully decline to answer the question on
4 the grounds that my answer may tend to incriminate
5 me on the grounds of the First, Fourth, Fifth, Sixth,
6 Ninth Amendments of the Constitution and on the
7 future grounds that the grant of immunity is
8 improper.

9 Q. Mr. Panaro, have you ever been present at the
10 premises known as the Blue Banner Social Club also
11 known as the Gattysburg Social Club located at
12 Fourteenth and Connecticut Street in Buffalo, New
13 York?

14 A. I respectfully decline to answer that question on
15 the grounds that my answer may tend to incriminate
16 me, on the grounds of the First, Fourth, Fifth,
17 Sixth, Ninth Amendment of the Constitution, on the
18 future grounds that the grant of immunity is
19 improper?

20 Q. Mr. Panaro, do you have any knowledge personally
21 or otherwise regarding the operation of a Zigarette
22 card game at the Connecticut Street Social Club in
23 which a percentage of the amount bet on each hand

1 was raked and deposited in a box kept by the
2 Zigarette dealer?

3 A. I respectfully decline to answer that question on
4 the grounds that my answer may tend to incriminate
5 me, on the grounds of the First, Fourth, Fifth,
6 Sixth and Ninth Amendments of the Constitution and
7 on the future grounds that the grant of immunity
8 is improper.

9 Q. Mr. Panaro, do you understand that you may be held
10 in Civil contempt for your refusing to answer that
11 and that this may result in your incarceration
12 until such time that you testify or until such
13 time that the Grand Jury terminates its term?

14 A. I respectfully decline to answer that question on
15 the grounds that that answer may tend to incriminate
16 me on the grounds of the First, Fourth, Fifth,
17 Sixth, Ninth Amendment of the Constitution and
18 the future grounds that the grant of immunity is
19 improper?

20 Q. All right. Mr. Panaro, I want you to know you can
21 leave the room at any time you want to talk to
22 Mr. Ramm who's waiting outside, your attorney.
23 Mr. Panaro, have you ever been present at the

1 Connecticut Street Social Club when Nicholas
2 Rinaldo or William Sciolino removed the rake money
3 from the dealer's box and thereafter counted,
4 retained or loaned such money?

5 A. I respectfully decline to answer the questions
6 on the grounds that my answer may tend to incriminate
7 me on the grounds of the First, Fourth, Fifth, Sixth
8 and Ninth Amendment of the Constitution and the
9 future grounds that the grant of immunity is
10 improper.

11 Q. Mr. Panaro, have you yourself ever borrowed money
12 from Nicholas Rinaldo, or William Sciolino or
13 for the six-for-five rate of interest or any other
14 rate of interest?

15 A. I respectfully decline to answer the question on
16 the grounds that my answer may tend to incriminate
17 me on the grounds of the First, Fourth, Fifth, Sixth
18 and Ninth Amendment of the Constitution and the future
19 grounds that the grant of immunity is improper.

20 Q. Mr. Panaro, have you ever seen a Nicholas Rinaldo
21 or William Sciolino loaning money to any persons
22 for a six-for-five rate of interest?

23 A. I respectfully decline to answer the question on the

1 grounds my answer may tend to incriminate me on the
2 grounds of the First, Fourth, Fifth, Sixth and Ninth
3 Amendments of the Constitution, and on the future
4 grounds that the grant of immunity is improper.

5 Q. Mr. Panaro, have you yourself ever personally
6 borrowed money from Frank Chimento at a six-for-five
7 rate of interest or do you know of any other person
8 who has borrowed money from Frank Chimento at
9 such a rate of interest?

10 A. I respectfully decline to answer the question on
11 the grounds that my answer may tend to incriminate me
12 on the grounds of the First, Fourth, Fifth, Sixth
13 and Ninth Amendments of the Constitution and on
14 the future grounds that the grant of immunity is
15 improper.

16 Q. Mr. Panaro, were you present at the Connecticut
17 Street Social Club on or about August 6th of 1974
18 when Frank Timineri was beaten by Frank Chimento
19 to force the payment of a six-for-five loan?

20 A. I respectfully decline to answer the question on
21 the grounds my answer may tend to incriminate me,
22 on the grounds of the First, Fourth, Fifth, Sixth
23 and Ninth Amendment of the Constitution and on the

1 future ground that the grant of immunity is
2 improper.

3 Q. Mr. Panaro, do you know if Salvatore Pieri derives
4 any financial interest whatsoever from his operation
5 of the Ziginette game at the Connecticut Street
6 Social Club?

7 A. I respectfully decline to answer that question
8 on the grounds my answer may tend to incriminate
9 me on the grounds of the First, Fourth, Fifth,
10 Sixth and Ninth Amendment of the Constitution and
11 on the future grounds that the grant of immunity
12 is improper.

13 Q. Mr. Panaro, were you present at Nairy's Social
14 Club on October 2nd, of 1974, while Joseph Fino
15 was also present and while a Ziginette game was
16 in progress?

17 A. I respectfully decline to answer that question on
18 the grounds that my answer may tend to incriminate
19 me on the grounds of the First, Fourth, Fifth,
20 Sixth and Ninth Amendments of the Constitution and
21 on the future grounds that the grant of immunity
22 is improper.

23 Q. Mr. Panaro, were you present at Nairy's Social Club

1 on November 22nd of 1974 at which time Salvatore
2 Pieri was also there?

3 A. I respectfully decline to answer that question on
4 the grounds that my answer may tend to incriminate
5 me on the grounds of the First, Fourth, Fifth,
6 Sixth and Ninth Amendment of the Constitution and
7 on the future grounds that the grant of immunity
8 is improper.

9 Q. Mr. Panaro, I don't have any more questions to ask
10 you, I just want to advise you that if you wish,
11 you can leave the room and consult with your Counsel
12 and then return here if you have changed your mind,
13 do you want to leave the room to talk to your
14 Counsel?

15 A. I respectfully decline to answer that question on
16 the grounds that my answer may tend to incriminate
17 me, on the grounds of the First, Fourth, Fifth,
18 Sixth and Ninth Amendment of the Constitution and
19 the future grounds that the grant of immunity is
20 improper.

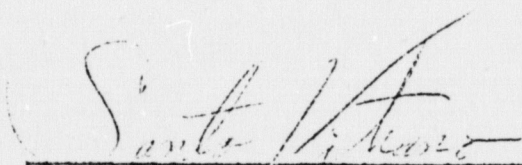
21 MR. GRESSENS: All right. Mr. Panaro, you can leave.

22 (Whereupon, at 11:20 the Witness left
23 the Grand Jury room.)

* * *

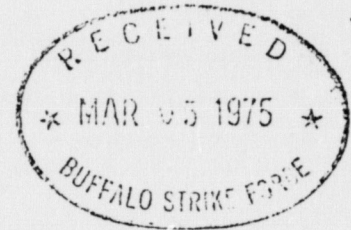
C E R T I F I C A T I O N

1
2
3 This is to CERTIFY that I, SANTO VITRANO, having
4 attended a session of the Federal Grand Jury, as Grand
5 Jury Stenographer, on March 5th, 1975, reported the
6 proceedings contained in the foregoing fifteen pages at
7 the time and place set forth in the heading in the
8 foregoing matter. That the transcript is an accurate
9 and complete record of the proceedings to the best of
10 my ability.

11
12 
13 SANTO VITRANO
14
15
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17
18
19
20
21
22
23

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Buffalo, N. Y. 14202
855-5600

GASPER J. BONA



UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

STATEMENTS

THE UNITED STATES OF AMERICA,

-vs-

EXAMINATIONS
BEFORE TRIAL

JOHN DOE,

Defendant.

DEPOSITIONS

Testimony of GASPER J. BONA, taken
in proceedings held before the United States
Grand Jury, in the Federal Building, Buffalo, New
York, taken on March 4th, 1975, commencing at
12:09 P.M.

CONFERENCES

APPEARANCES: RICHARD J. ASCARA, ESQ.,
United States Attorney,
By James W. Cresens, Esq.,
Special Justice Department Attorney,
United States Courthouse,
Buffalo, New York.

CONVENTIONS

ARBITRATIONS

PRESENT:

KATHLEEN M. ATWOOD,
Grand Jury Court Reporter.

CERTIFIED SHORTHAND REPORTER
LICENSED BY THE
STATE OF NEW YORK
CERTIFICATE NO. 517

Jack W. Hunt C. S. R.
OFFICIAL SUPREME COURT REPORTER

& Associates

1 G A S P E R J . B O N A , 1124 Parkside, Buffalo,
2 New York, after being duly called and sworn, testified
3 as follows:

4
5 EXAMINATION BY MR. GRESENS:

6
7 MR. GRESENS: Mr. Bona, as you know, you were before
8 Judge Curtin this morning. I want to be
9 sure that you are aware that you have been
10 granted immunity from prosecution in
11 connection with your testimony today. What
12 that means, sir, you can not incriminate
13 yourself by anything you say. That is,
14 anything that you say in this Grand Jury
15 can not be used against you in a Court of
16 Law. The only crime for which you can be
17 prosecuted is perjury, if you perjure
18 yourself and give false information before
19 this Grand Jury here today. Judge Curtin
20 has already signed this order granting
21 you immunity from prosecution. Your Counsel,
22 Mr. Murphy is right outside this room, and
23 you have the right to leave this Grand Jury

1 room at any time you want to go out there
2 and confer with him for as long as you
3 want about any questions that you want to
4 confer with him about. Do you understand
5 that, sir?

6 THE WITNESS: Yes.

7 MR. GRESENS: Mr. Bona, have you ever been at the
8 premises known as Mairy's Social Club,
9 located at 314 West Ferry Street in the
10 lower rear in Buffalo, New York?

11 THE WITNESS: I would like to talk to my lawyer.

12 MR. GRESENS: Go ahead, sir.

13 (Whereupon, the Witness then left the
14 Grand Jury room.)

15 (Whereupon, the Witness then re-entered
16 the Grand Jury room.)

17 MR. GRESENS: Are you prepared to answer that question,
18 Mr. Bona?

19 THE WITNESS: I refuse to answer. I refuse to decline
20 any answer on the grounds of the First,
21 Fourth, Sixth and Ninth Amendments of the
22 United States, and on the further ground
23 that the granting of immunity is improper.

1 MR. GRESINS: Mr. Bona, you have been granted immunity
2 from prosecution. I already explained
3 that to you. The granting of immunity is
4 a full use immunity. You can not be
5 prosecuted for anything that you say in
6 this room unless it's a lie. In that case,
7 you commit perjury. Do you understand
8 that, sir?

9 THE WITNESS: I refuse to decline to answer on the
10 grounds of the First, Fourth, Fifth, Sixth
11 and Ninth Amendments of the United States
12 Constitution and on the further ground
13 that the granting of immunity is improper.

14 MR. GRESINS: When you say you "refuse to decline",
15 you mean you are not going to answer the
16 question?

17 THE WITNESS: I respectfully decline to answer on the
18 grounds of the First, Fourth, Fifth, Sixth
19 and Ninth Amendments of the United States
20 and on the further ground that the granting
21 of immunity is improper.

22 MR. GRESINS: Mr. Bona, between June of 1974 and
23 February of 1975, did you ever see a

1 Zigarette card game played at Mairy's
2 Social Club?

3 THE WITNESS: I would like to talk to my Counsel.

4 MR. GRESENS: Certainly.

5 (Whereupon, the Witness then left the
6 Grand Jury room.)

7 (Whereupon, the Witness then re-entered
8 the Grand Jury room.)

9 THE WITNESS: I respectfully decline to answer on the
10 grounds of the First, Fourth, Fifth, Sixth
11 and Ninth and Fourteenth Amendments of
12 the United States Constitution and on the
13 further ground that the granting of immunity
14 is improper.

15 MR. GRESENS: I have already explained to you that
16 you have been granted immunity. I want
17 you to be also aware that you may be held
18 in Civil contempt by Judge Curtin for
19 your refusal to testify. Do you under-
20 stand that, sir?

21 THE WITNESS: Can I consult?

22 MR. GRESENS: Sure. Go ahead.

23 (Whereupon, the Witness then left the

1 the Grand Jury room.)

2 (Whereupon, the Witness then re-entered
3 the Grand Jury room.)

4 THE WITNESS: I respectfully decline to answer on the
5 grounds of the First, Fourth, Fifth, Sixth
6 and Ninth Amendments and Fourteenth
7 Amendment of the United States and on the
8 further ground that the granting of immunity
9 is improper.

10 MR. GRESENS: Mr. Bona, have you ever seen Joseph
11 Michael Fino supervising the collection of
12 money from any Zigarette game or super-
13 vising the loaning of money in connection
14 with any Zigarette game at Nairy's Social
15 Club?

16 THE WITNESS: Can I consult with my lawyer?

17 MR. GRESENS: Sure.

18 (Whereupon, the Witness then left the
19 Grand Jury room.)

20 (Whereupon, the Witness then re-entered
21 the Grand Jury room.)

22 THE WITNESS: I respectfully decline to answer on the
23 grounds of the First, Fourth, Fifth, Sixth

1 and Ninth and Fourteenth Amendments of
2 the United States and on the further ground
3 that the granting of immunity is improper.

4 MR. GRESENS: Mr. Bona, do you have any knowledge,
5 either personal or hearsay or otherwise,
6 that Charles Massaro, Joseph Fino, Angelo
7 Massaro and John V. Cammilleri were the
8 original founders of Nairy's Social Club
9 in spring of 1974 and that Salvatore
10 Pieri took over John Cammilleri's interest
11 in the club after the latter's death?

12 THE WITNESS: Can I talk to my lawyer?

13 MR. GRESENS: Yes, sir.

14 (Whereupon, the Witness then left the
15 Grand Jury room.)

16 (Whereupon, the Witness then re-entered
17 the Grand Jury room.)

18 THE WITNESS: I respectfully decline to answer on the
19 grounds of the First, Fourth, Fifth, Sixth
20 and Ninth and Fourteenth Amendments to the --
21 of the United States Constitution and on
22 the further ground that the granting of
23 immunity is improper.

1 MR. GRESENS: Mr. Bona, have you ever borrowed money
2 at Nairy's Social Club from Joseph Fino,
3 Michael Bona, Gaetano Miceli or Frank
4 Fantauzzo?

5 THE WITNESS: Can I talk to my Counsel?

6 MR. GRESENS: Sure.

7 (Whereupon, the Witness then left the
8 Grand Jury room.)

9 (Whereupon, the Witness then re-entered
10 the Grand Jury room.)

11 THE WITNESS: I respectfully decline to answer on the
12 grounds of the First, Fourth, Fifth, Sixth
13 and Ninth and Fourteenth Amendments of the
14 United States Constitution and on the
15 further ground that the granting of
16 immunity is improper.

17 MR. GRESENS: Mr. Bona, have you ever observed Joseph
18 Fino, Michael Bona, Frank Fantauzzo,
19 Gaetano Miceli, loaning money to any
20 person at Nairy's Social Club at a six-for-
21 five rate of interest or at any other rate
22 of interest?

23 THE WITNESS: Can I talk to my lawyer?

1 MR. GRESENS: Yes, sir.

2 (Whereupon, the Witness then left the
3 Grand Jury room.)

4 (Whereupon, the Witness then re-entered
5 the Grand Jury room.)

6 THE WITNESS: I respectfully decline to answer on the
7 grounds of the First, Fourth, Fifth, Sixth
8 and Ninth and Fourteenth Amendments of the
9 United States Constitution and on the
10 further ground that the granting of immunity
11 if improper.

12 MR. GRESENS: Mr. Bone, have you ever observed a
13 Zigarette game at Nairy's Social Club in
14 which approximately five percent of the
15 amount bet on each hand was raked and
16 deposited in a special box kept by the
17 Zigarette dealer?

18 THE WITNESS: Can I talk to my Counsel?

19 MR. GRESENS: Yes, sir.

20 (Whereupon, the Witness then left the
21 Grand Jury room.)

22 (Whereupon, the Witness then re-entered
23 the Grand Jury room.)

1 THE WITNESS: I respectfully decline to answer on the
2 grounds of the First, Fourth, Fifth, Sixth,
3 Ninth and Fourteenth Amendments of the
4 United States Constitution and on the
5 further ground that the granting of
6 immunity is improper.

7 MR. GRESENS: Mr. Bona, have you ever been present at
8 Nairy's Social Club when Joseph Fino or
9 Michael Bona removed the raked money from
10 the dealer's box and thereafter counted,
11 retained or loaned out such money?

12 THE WITNESS: Can I talk to my Counsel?

13 MR. GRESENS: Yes, sir.

14 (Whereupon, the Witness then left the
15 Grand Jury room.)

16 (Whereupon, the Witness then re-entered
17 the Grand Jury room.)

18 THE WITNESS: I respectfully decline to answer on the
19 grounds of the First, Fourth, Fifth, Sixth,
20 Ninth and Fourteenth Amendments of the
21 United States Constitution and on the
22 further ground that the granting of immunity
23 is improper.

1 MR. GRESSENS: Mr. Bond, you know that you have been
2 granted immunity from prosecution, and
3 you know that anything you say can not be
4 used against you. Do you understand that,
5 sir?

6 THE WITNESS: I respectfully decline to answer on the
7 grounds of the First, Fourth, Fifth and Sixth
8 and Ninth and Fourteenth Amendments of the
9 United States Constitution and on the
10 further ground that the granting of immunity
11 is improper.

12 MR. GRESSENS: Were you present at Nairy's Social Club
13 on December 11th, 1974 at approximately
14 twelve-fifty A.M. when a Ziginette game
15 was in progress in which over three thousand
16 dollars was wagered during a single hour?

17 THE WITNESS: Can I talk to my Counsel?

18 MR. GRESSENS: Certainly, sir.

19 (Whereupon, the Witness then left the
20 Grand Jury room.)

21 (Whereupon, the Witness then re-entered
22 the Grand Jury room.)

23 THE WITNESS: I respectfully decline to answer on the

1 First, Fourth, Fifth, Sixth and Ninth and
2 Fourteenth Amendments of the United States
3 Constitution and on the further ground
4 that the granting of immunity is improper.

5 MR. GRESENS: Mr. Bona, do you have any knowledge
6 whatsoever, personal or otherwise, hearsay
7 or otherwise, regarding the activities of
8 one Charles Cassaro in furnishing loan
9 money or otherwise participating in loan
10 sharking activities at a six-for-five loans
11 at Nairy's Social Club or at any other
12 location?

13 THE WITNESS: Can I talk to my Counsel?

14 MR. GRESENS: Yes, sir.

15 (Whereupon, the Witness then left the
16 Grand Jury room.)

17 (Whereupon, the Witness then re-entered
18 the Grand Jury room.)

19 THE WITNESS: I respectfully decline to answer on the
20 ground of the First, Fourth, Fifth, Sixth
21 and Ninth and Fourteenth Amendments of the
22 United States Constitution and on the
23 further ground that the granting of immunity

1 is improper.

2 MR. GRESENS: Mr. Bona, have you yourself personally
3 ever borrowed money at a six-for-five
4 rate from William Sciollino, Nicholas
5 Rinaldo, Michael Bona, Joseph Fino or
6 Frank Chimento?

7 THE WITNESS: Can I talk to my lawyer?

8 MR. GRESENS: Yes, sir.

9 (Whereupon, the Witness then left the
10 Grand Jury room.)

11 (Whereupon, the Witness then re-entered
12 the Grand Jury room.)

13 THE WITNESS: I respectfully decline to answer on the
14 grounds of the First, Fourth, Fifth, Sixth
15 and Ninth and Fourteenth Amendments of
16 the United States Constitution and on the
17 further ground that the granting of immunity
18 is improper.

19 MR. GRESENS: Mr. Bona, have you ever been present at
20 the premises known as the Blue Banner
21 Social Club, also known as the Gettysburg
22 Social Club, located at Fourteenth and
23 Connecticut Streets in Buffalo, New York,

1 and have you observed a Ziginette card
2 game in progress there in which a percentage
3 of the amount bet on each hand was raked
4 and deposited in a special box kept by the
5 Ziginette dealer?

6 THE WITNESS: Can I talk to my lawyer?

7 MR. GRESENS: Yes, sir. Go ahead.

8 (Whereupon, the Witness then left the
9 Grand Jury room.)

10 (Whereupon, the Witness then re-entered
11 the Grand Jury room.)

12 THE WITNESS: I respectfully decline to answer on the
13 grounds of the First, Fourth, Fifth, Sixth,
14 Ninth and Fourteenth Amendments of the
15 United States Constitution and on the
16 further ground that the granting of immunity
17 is improper.

18 MR. GRESENS: Mr. Bona, were you present at Nairy's
19 Social Club on October 23rd of 1974 at
20 approximately five-thirty P.M. at which
21 time there was a Ziginette game in progress
22 there and in which over two thousand dollars
23 was bet during a single hour of play?

1 THE WITNESS: Can I talk to my lawyer?

2 MR. GRESENS: Sure.

3 (Whereupon, the Witness then left the
4 Grand Jury room.)

5 (Whereupon, the Witness then re-entered
6 the Grand Jury room.)

7 THE WITNESS: I respectfully decline to answer on the
8 grounds of the First, Fourth, Fifth, Sixth
9 and Ninth and Fourteenth Amendments of
10 the United States Constitution and on the
11 further ground of the granting of immunity
12 is improper.

13 MR. GRESENS: Mr. Bona, were you present at Nairy's
14 Social Club on October 31st of 1974 at
15 approximately eleven-thirty P.M. at which
16 time a Ziginette game was in progress and
17 at which time over one thousand dollars
18 was bet during a one hour period?

19 THE WITNESS: Can I talk to my Counsel?

20 MR. GRESENS: Yes, sir.

21 (Whereupon, the Witness then left the
22 Grand Jury room.)

23 (Whereupon, the Witness then re-entered

the Grand Jury room.)

THE WITNESS: I respectfully decline to answer on the grounds of the First, Fourth, Fifth, Sixth, Ninth and Fourteenth Amendments of the United States Constitution and on the further ground that the granting of immunity is improper.

MR. GRESENS: Mr. Bona, do you have any knowledge, personal or otherwise, hearsay or otherwise, regarding persons who have been beaten by William Sciolino, Nicholas Rinaldo or Frank Chimento to force the repayments of debts which carry a rate of interest at a six-for-five rate?

THE WITNESS: Can I talk to my lawyer?

MR. GRESENS: Yes, sir.

(Whereupon, the Witness then left the Grand Jury room.)

(Whereupon, the Witness then re-entered the Grand Jury room.)

THE WITNESS: I respectfully decline to answer on the grounds of the First, Fourth, Fifth, Sixth, Ninth and Fourteenth Amendments of the

1 United States Constitution and on the further
2 ground that the granting of immunity is
3 improper.

4 MR. GRESENS: Mr. Bona, were you present at the
5 Connecticut Street Social Club on or about
6 August 6th, 1974, when Frank Timineri was
7 beaten by Frank Chimento?

8 THE WITNESS: Can I talk to my lawyer?

9 MR. GRESENS: Yes, sir.

10 (Whereupon, the Witness then left the
11 Grand Jury room.)

12 (Whereupon, the Witness then re-entered
13 the Grand Jury room.)

14 THE WITNESS: I respectfully decline to answer on the
15 grounds of the First, Fourth, Fifth, Sixth,
16 Ninth and Fourteenth Amendments of the
17 United States Constitution and on the
18 further ground that the granting of immunity
19 is improper.

20 MR. GRESENS: Mr. Bona, I have told you before today.
21 I just want to repeat so that we're absolutely
22 clear. Judge Curtin has signed an immunity
23 order which grants you immunity from

1 prosecution for anything that you say here.
2 What this means is that you can not
3 incriminate yourself here today. You have
4 had an opportunity to speak to your Counsel,
5 and are you satisfied that you have had a
6 full opportunity to talk to your lawyer?

7 THE WITNESS: I respectfully decline to answer on the
8 grounds of the First, Fourth, Fifth, Sixth,
9 Ninth and Fourteenth Amendments of the
10 United States Constitution and on the further
11 ground that the granting of immunity is
12 improper.

13 MR. GRESENS: Mr. Bona, I just want to tell you that
14 the Government intends to move that Judge
15 Curtin can find you in Civil contempt for
16 refusing to answer before the Grand Jury.
17 I want you to be aware that that could be
18 a consequence of your failure to answer
19 the questions here today. Do you understand
20 that, sir?

21 THE WITNESS: I respectfully decline to answer on the
22 grounds of the First, Fourth, Fifth, Sixth,
23 Ninth and Fourteenth Amendments of the

1 United States Constitution and on the
2 further ground that the granting of immunity
3 is improper.

4 MR. GRESENS: That will be all, Mr. Bona. You can go.

5 * * *

626-629 Liberty Bank Bldg.
Buffalo, N. Y. 14202
853-5600

FRANK MAMBRINO

17Em#
12

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

CONFIDENTIAL

UNITED STATES OF AMERICA,

IMMUNITY TESTIMONY

STATEMENTS

-vs-

JOHN DOE,

READ and COMPLETE

ATTACHED FORM

Defendant.

EXAMINATIONS
BEFORE TRIAL

DEPOSITIONS

Testimony of FRANK MAMBRINO, taken
in proceedings held before the United States
Grand Jury, in the Federal Building, Buffalo,
New York, taken on March 6th, 1975, commencing at
11:15 A.M.

CONFERENCES

APPEARANCES:

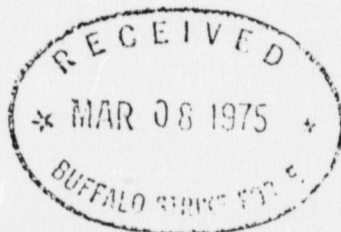
RICHARD J. ARCARA, ESQ.,
United States Attorney
By James W. Grossens, ESQ.,
Special Justice Department Attorney
United States Courthouse,
Buffalo, New York.

CONVENTIONS

ARBITRATIONS

PRESENT:

KRISTA K. SMITH,
Grand Jury Court Reporter.



CERTIFIED SHORTHAND REPORTER
LICENSED BY THE
STATE OF NEW YORK
CERTIFICATE NO. 517

Jack W. Hunt C. S. R.
OFFICIAL SUPREME COURT REPORTER

& Associates

1 F R A N K M A M B R I N O , 229 Hampshire Street,
2 Buffalo, New York, having been duly called and sworn,
3 testified as follows:

4
5 EXAMINATION BY MR. GRESENS:

6
7 Q. Mr. Mambrino, you appeared before Judge Curtin
8 this morning, and the Judge signed an order granting
9 you immunity from prosecution in connection with
10 your testimony before the Grand Jury here today.
11 Now, what that means is that nothing that you say
12 in this room can be used against you in a Court of
13 Law, nor can anything that you say in this room
14 be used to develop further evidence to be used
15 against you in a Court of Law. This simply means
16 that you have been granted immunity from prosecution
17 in connection with your testimony today. The only
18 crime for which you can be prosecuted which occurs
19 here today is perjury, if you choose to give false
20 information. A court reporter is here and is taking
21 down all your statements, so I must advise you, sir,
22 that if you do choose to testify, testify truthfully.
23 Now, your Counsel, Mr. Lalime, is waiting right

1 outside the door. Please feel free at any time
2 you want to ask him any questions that you want
3 regarding any matters that occur here, any questions
4 or any thoughts that you may have on your own. We'll
5 grant you as much time as you need to go to Mr.
6 Lalime. Do you understand all that, sir?

7 A. Yes.

8 Q. Mr. Mambrino, have you ever been present at the
9 premises known as Nairy's Social Club located at
10 314 West Ferry Street, Buffalo, New York?

11 A. On the advice of my lawyer, I respectfully decline
12 to answer that question on the grounds that my
13 answer may tend to incriminate me, and on further
14 grounds that to answer that question would violate
15 my rights under the First, Fourth, Fifth, Sixth
16 and Ninth Amendments to the United States Consti-
17 tution.

18 Q. Mr. Mambrino, I just want to advise you again that
19 you have been granted immunity in connection with
20 your appearance here today. And, any statements
21 that you make in this room cannot be used against
22 you nor can they be used to develop further infor-
23 mation that could be used against you. Do you

1 understand that, sir.

2 A. Yes.

3 Q. Now, if you want to leave the room to talk to Mr.
4 Lalime, please feel free to do so. Do you want to
5 go out and talk to him?

6 A. No.

7 Q. I want you to also understand, Mr. Mambrino, that
8 if you do refuse to answer questions here, the
9 Government will move in Judge Curtin's Court for
10 an order holding you in contempt of this Grand Jury
11 for your refusal to answer. If granted, this order
12 would direct your incarceration, 10 Delaware Avenue,
13 until such time as you do answer or until such time
14 as this Grand Jury expires or eighteen months,
15 whichever is shorter. Do you understand that, sir?

16 A. Yes.

17 Q. And, you still refuse to answer that question?

18 A. I give the same answer as the first one, First
19 Amendment.

20 Q. Now, let the record reflect that Mr. Mambrino has
21 a piece of paper in front of him which he read the
22 first answer. And, Mr. Mambrino, whenever you
23 refuse to answer, you're going to have to give

1 your answer in full for any reason that you want
2 to answer, but you just can't say I refuse to
3 answer for the same reason I gave the first one.

4 A. All right.

5 Q. Now, Mr. Mambrino, between June of 1974 and February
6 of 1975, did you ever see a Ziginette card game
7 played at Nairy's Social Club?

8 A. I respectfully decline to answer that question on
9 the grounds that my answer may tend to incriminate
10 me and on further grounds that to answer that
11 question would violate my rights under the First,
12 Fourth, Fifth, Sixth and Ninth Amendments to the
13 United States Constitution.

14 Q. Mr. Mambrino, have you ever seen Joseph Michael
15 Fino supervising the collection of money for any
16 Ziginette game or supervising the loaning of money
17 in connection with any Ziginette game at Nairy's?

18 A. I respectfully decline to answer that question on
19 the ground that my answer may tend to incriminate
20 me and on further grounds that to answer that
21 question would violate my rights under the First,
22 Fourth, Fifth, Sixth and Ninth Amendments to the
23 United States Constitution.

1 Q. Once again, Mr. Mambrino, I want you to know that
2 you can leave the room at any time you want to
3 talk to Mr. Lalime. Do you understand that?

4 A. Yes.

5 Q. Do you want to go out and talk to your lawyer?

6 A. No.

7 Q. Mr. Mambrino, do you have any knowledge whatsoever
8 that Charles Cassaro, Joseph Fino, Angelo Massaro,
9 and John V. Cammilleri were the original founders
10 of Nairy's Social Club in the spring of 1974, and
11 that Salvatore Pieri has taken over John Cammilleri's
12 interest in the latter's death?

13 A. I respectfully decline to answer that question on
14 the grounds that my answer may tend to incriminate
15 me and on further grounds that to answer that
16 question would violate my rights under the First,
17 Fourth, Fifth, Sixth and Ninth Amendments to the
18 United States Constitution.

19 Q. I just want you to keep in mind, Mr. Mambrino, that
20 you have been granted immunity from prosecution
21 here. And, that your failure to answer questions
22 could result in your incarceration until such time
23 as you answer just as I've explained before. Do

1 you understand that?

2 A. Yes.

3 Q. You still refuse to answer?

4 A. I respectfully decline to answer that question on
5 the grounds that my answer may tend to incriminate
6 me and on further grounds that to answer that
7 question would violate my rights under the First,
8 Fourth, Fifth, Sixth and Ninth Amendments to the
9 United States Constitution.

10 Q. Mr. Mambrino, have you ever borrowed money from
11 Nairy's Social Club from Joseph Fino, Michael Bona,
12 Gaetano Miceli, Frank Fantauzzo or Casper Bona at
13 a six-for five rate of interest or at any other
14 rate of interest?

15 A. I respectfully decline to answer that question on
16 the grounds that my answer may tend to incriminate
17 me and on further grounds that to answer that
18 question would violate my rights under the First,
19 Fourth, Fifth, Sixth and Ninth Amendments to the
20 United States Constitution.

21 Q. Mr. Mambrino, have you ever observed Joseph Fino,
22 Michael Bona, Frank Fantauzzo, Gaetano Miceli, or
23 Gasper Bona, loaning money to any person at Nairy's

1 Social Club at a six for-five rate of interest or
2 at any other rate of interest?

3 A. I respectfully decline to answer that question on
4 the grounds that my answer may tend to incriminate
5 me and on further grounds that to answer that
6 question would violate my rights under the First,
7 Fourth, Fifth, Sixth and Ninth Amendments to the
8 United States Constitution.

9 Q. Mr. Mambrino, I just want to remind you that you
10 can leave the room at any time to talk to Mr. Lalima.
11 Do you wish to talk to Mr. Lalima now?

12 A. No.

13 Q. Mr. Mambrino, have you ever observed a Ziginette
14 card game at Nairy's Social Club in which approximately
15 five percent of the amount bet on each hand was
16 raked and deposited in a special box kept by the
17 Ziginette dealer?

18 A. I respectfully decline to answer that question on
19 the ground that my answer may tend to incriminate
20 me and on further grounds that to answer that
21 question would violate my rights under the First,
22 Fourth, Fifth, Sixth and Ninth Amendments to the
23 United States Constitution.

1 Q. Mr. Mambrino, have you ever been present at Nairy's
2 Social Club when Joseph Fino or Michael Bona
3 removed the raked money from the dealer's box and
4 thereafter counted, retained, or loaned out such
5 money?

6 A. I respectfully decline to answer that question on
7 the grounds that my answer may tend to incriminate
8 me and on the further grounds that to answer that question
9 would violate my rights under the First, Fourth,
10 Fifth, Sixth and Ninth Amendments to the United
11 States Constitution.

12 Q. Mr. Mambrino, do you have any knowledge, personal
13 or otherwise, to the effect that the Zigarette game
14 at Nairy's Social Club was in continuous operation
15 between June and November of 1974, and that Michael
16 Bona, Gasper Bona, Thomas Miceli, Joseph Fino,
17 Frank Fantauzzo and Joseph Moses were employed to
18 manage or supervise the Zigarette game there?

19 A. I respectfully decline to answer that question on
20 the grounds that my answer may tend to incriminate
21 me and on the further grounds that to answer that
22 question would violate my rights under the First,
23 Fourth, Fifth, Sixth and Ninth Amendments to the

1 United States Constitution.

2 Q. Mr. Mambrino, you're continuing to refuse to answer
3 questions and I just want you to clearly understand
4 that you can be held in contempt for this. Do you
5 understand that, sir?

6 A. I respectfully decline to answer that question on
7 the ground that my answer may tend to incriminate
8 me and on further grounds that to answer that
9 question would violate my rights under the First,
10 Fourth, Fifth, Sixth and Ninth Amendments to the
11 United States Constitution.

12 Q. Mr. Mambrino, have you ever been present at the
13 premises sometimes known as the Blue Banner Social
14 Club, also known as the Gettysburg Social Club,
15 located at Fourteenth and Connecticut Streets in
16 Buffalo, New York, and have you observed a Zigarette
17 card game there in which a percent of the amount
18 bet on each hand was raked and deposited in a
19 special box kept by the Zigarette dealer?

20 A. I respectfully decline to answer that question
21 on the ground that my answer may tend to incriminate
22 me and on the further grounds that to answer that
23 question would violate my rights under the First,

1 Fourth, Fifth, Sixth, and Ninth Amendments to the
2 United States Constitution.

3 Q. Mr. Mambrino, have you ever been present at the
4 Connecticut Street Social Club when Nicholas Rinaldo
5 or William Sciolino removed the raked money from
6 the dealer's box and thereafter counted, retained,
7 or loaned out such money?

8 A. I respectfully decline to answer that question on the
9 ground that my answer may tend to incriminate me
10 and on further grounds that to answer that question
11 would violate my rights under the First, Fourth,
12 Fifth, Sixth and Ninth Amendments to the United
13 States Constitution.

14 Q. Mr. Mambrino, do you want to go out and talk to
15 Mr. Lalime at this time?

16 A. I respectfully decline to answer that question on
17 the grounds that my answer may tend to incriminate
18 me and on further grounds that to answer that
19 question would violate my rights under the First,
20 Fourth, Fifth, Sixth and Ninth Amendments to the
21 United States Constitution.

22 Q. Well, I only asked you if you wanted to talk to
23 your lawyer. I take it you don't, so I'll ask you

1 the next question. Have you yourself ever borrowed
2 money from Nicholas Rinaldo or William Sciolino
3 at a six-for-five rate of interest or at any other
4 rate of interest or have you seen Nicholas Rinaldo
5 or William Sciolino loan any money to any person
6 at a six-for-five rate of interest?

7 A. I respectfully decline to answer that question on
8 the ground that my answer may tend to incriminate
9 me and on further grounds that to answer that
10 question would violate my rights under the First,
11 Fourth, Fifth, Sixth, and Ninth Amendments to the
12 United States Constitution.

13 Q. Mr. Mambrino, have you yourself ever personally
14 borrowed money from Frank Chimento, also known as
15 Frank Poochie, at a six-for-five rate of interest,
16 or do you know of any other person who has borrowed
17 money from the same Frank Chimento at such a rate
18 of interest?

19 A. I respectfully decline to answer that question on
20 the ground that my answer may tend to incriminate
21 me and on further grounds that to answer that
22 question would violate my rights under the First,
23 Fourth, Fifth, Sixth and Ninth Amendments to the

1 United States Constitution.

2 Q. Mr. Mambrino, were you present at the Connecticut
3 Street Social Club on or about August 6th of 1974,
4 when Frank Timineri was beaten by Frank Chimento?

5 A. I respectfully decline to answer that question
6 on the ground that my answer may tend to incriminate
7 me and on further grounds that to answer that
8 question would violate my rights under the First,
9 Fourth, Fifth, Sixth and Ninth Amendments to the
10 United States Constitution.

11 Q. Do you have any knowledge, personal or otherwise,
12 to the effect that the Ziginette game at the
13 Connecticut Street Social Club has been in continuous
14 operation between June and December of 1974, with
15 Nicholas Rinaldo, William Sciolino, Joseph
16 Buscaglia, Robert Barresi, also known as Bobby -
17 the-Tie, Chicky Russo, Lawrence Panaro, employed as
18 managers or supervisors of this Ziginette game?

19 A. I respectfully decline to answer that question on
20 the ground that my answer may tend to incriminate
21 me and on further grounds that to answer that question
22 would violate my rights under the First, Fourth,
23 Fifth, Sixth and Ninth Amendments to the United

1 States Constitution.

2 Q. Mr. Mambrino, were you present at Nairy's Social
3 Club on June 27th, 1974, at approximately eleven
4 A.M., during which time a Ziginette game was in
5 progress there in which the dealer was raking five
6 percent of the amount bet on each hand?

7 A. I respectfully decline to answer that question on
8 the grounds that my answer may tend to incriminate
9 me, and on further grounds that to answer that
10 question would violate my rights under the First,
11 Fourth, Fifth, Sixth and Ninth Amendments to the
12 United States Constitution.

13 Q. Mr. Mambrino, on the same date, June 27th, 1974,
14 the same time, approximately eleven A.M., did you
15 yourself, sir, win several thousand dollars in a
16 Ziginette game at Nairy's Social Club?

17 A. I respectfully decline to answer that question on
18 the grounds that my answer may tend to incriminate
19 me, and on the further grounds that to answer
20 that question would violate my rights under the
21 First, Fourth, Fifth, Sixth and Ninth Amendments
22 to the United States Constitution.

23 Q. Mr. Mambrino, were you present at the Connecticut

1 Street Social Club on or about August 19th of 1974,
2 during which time a Ziginette game was in progress
3 and in such Ziginette game in which nine hundred
4 sixty dollars was bet on a single game?

5 A. I respectfully decline to answer that question on
6 the ground that my answer may tend to incriminate
7 me and on further grounds that to answer that
8 question would violate my rights under the First,
9 Fourth, Fifth, Sixth and Ninth Amendments to the
10 United States Constitution.

11 Q. Mr. Mambrino, I don't have any more questions to
12 ask you.. I want you to know that if you choose,
13 you can go outside and talk to your Counsel about
14 the questions you refused to answer, and if you
15 wish to, you can come back in here and take a
16 second try at answering any or all of those questions
17 I've asked you.

18 A. No.

19 Q. Mr. Mambrino, I also want you to know that your
20 refusal to answer questions here will be the basis
21 for the Governor's application to hold you in
22 contempt of this Grand Jury before Judge Curtin.
23 Do you understand that?

1 A. Yes.

2 Q. That's all, Mr. Mambrino, you can go.

3 * * *

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C E R T I F I C A T I O N

This is to CERTIFY that I, KRISTA K. SMITH, having attended a session of the Federal Grand Jury, as Grand Jury Stenographer, on March 6th, 1975, reported the proceedings contained in the foregoing sixteen pages at the time and place set forth in the heading in the foregoing matter. That the transcript is an accurate and complete record of the proceedings to the best of my ability.

Krista K. Smith
KRISTA K. SMITH

626-629 Liberty Bank Bldg.
Buffalo, N. Y. 14202
853-5600

ROBERT OLIVER

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

CONFIDENTIAL

UNITED STATES OF AMERICA

IMMUNITY TESTIMONY

-VS-

READ and COMPLETE
ATTACHED FORM

STATEMENTS

EXAMINATIONS
BEFORE TRIAL

JOHN DOE,

DEPOSITIONS

Testimony of ROBERT OLIVER

in proceedings held before the United States
Grand Jury, in the Federal Building, Buffalo,
New York, taken on March 6, 1975, commencing
at 11:45 A.M.

CONFERENCES

APPEARANCES:

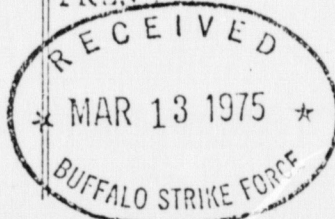
RICHARD J. ANGLA, ESQ.,
United States Attorney,
By: JAMES W. GRESENS, ESQ.,
Special Justice Department Attorney,
United States Courthouse,
Buffalo, New York.

CONVENTIONS

ARBITRATIONS

KRISTA K. SMITH,
Grand Jury Court Reporter.

PRESENT:



CERTIFIED SHORTHAND REPORTER
LICENSED BY THE
STATE OF NEW YORK
CERTIFICATE NO. 517

Jack W. Hunt C. S. R.
OFFICIAL SUPREME COURT REPORTER
& Associates

1 R O B E R T O L I V E R , 97 Swan Street, Lackawanna,
2 New York, having been duly called and sworn, testified
3 as follows:

4
5 EXAMINATION BY MR. GRESENS:

6
7 Q. Mr. Oliver, you appeared before Judge Curtin
8 this morning and he signed an order granting
9 you immunity from prosecution in connection with
10 your testimony before this Grand Jury. What that
11 order means is that nothing that you say in
12 this room can be used against you later on
13 in a Court of law, nor can any information that
14 you give this Grand Jury be used to develop other
15 information which can be used against you. All
16 this means is you have complete immunity when
17 you testify before this Grand Jury here today.
18 This grant of immunity takes away your Fifth
19 Amendment right to refuse to testify. I believe
20 Judge Curtin told you and the other gentleman
21 in Court this morning that you cannot use your
22 Fifth Amendment right to protect other people.
23 Now, your counsel, Mr. Lamantia, is right outside.

1 I want you to feel free to leave the room at
2 any time you want to discuss any questions that
3 you have with him. These questions can be either
4 in relation to something I ask you or just something
5 in your own mind that you want to clear up with
6 him, and this Grand Jury will grant you as much
7 time as you need to go talk to your lawyer. Do
8 you understand that?

9 A. Yes.

10 Q. Mr. Oliver, have you ever been at the premises
11 known as Nairy's Social Club located at 314 West
12 Ferry Street, Buffalo, New York?

13 A. I respectfully decline to answer that question
14 on the ground that my answer may tend to incriminate
15 me, and on further grounds that to answer that
16 question would violate my rights under the First,
17 Fourth, Fifth, Sixth and Ninth Amendments to the
18 United States Constitution.

19 Q. Okay. Now, let the record reflect that Mr. Oliver
20 read that statement from a piece of paper which
21 he's holding in his hand. Mr. Oliver, I want to
22 advise you once again, to repeat what I just said,
23

1 that you have been granted immunity from prosecution.
2 Accordingly, this takes away your Fifth Amendment
3 right to refuse to testify. Now, if you do refuse
4 to answer questions before this Grand Jury, I
5 want you to know that the Government will ask
6 Judge Curtin issue an order remanding you to the
7 custody of the United States Marshall, 10 Delaware
8 Avenue, here in Buffalo, until such time as you
9 testify. Do you understand that, sir?

10 A. I respectfully decline to answer that question on
11 the ground that my answer may tend to incriminate
12 me and on further grounds that to answer that
13 question would violate my rights under the First,
14 Fourth, Fifth, Sixth and Ninth Amendments to the
15 United States Constitution.

16 Q. Mr. Oliver, I want to know if you want to go out
17 and talk to your attorney, Mr. Lamantia, before
18 I ask any more questions. Do you want to leave
19 the room to talk to him?

20 A. I already had counsel with him.

21 Q. So, you don't wish to go now?

22 A. No. Thank you anyway.

23 Q. Mr. Oliver, between June of 1974 and February of

1 1975, did you ever see a Ziginette card game played
2 at Nairy's Social Bar?

3 A. I respectfully decline to answer that question
4 on the ground that my answer may tend to incriminate
5 me and on further grounds that to answer that
6 question would violate my rights under the First,
7 Fourth, Fifth, Sixth and Ninth Amendment to the
8 United States Constitution.

9 Q. Mr. Oliver, have you ever seen Joseph Michael Fino
10 supervising the collection of money from any
11 Ziginette game or supervising the loaning of
12 money in connection with any Ziginette game at
13 Nairy's Social Club?

14 A. I respectfully give the same answer.

15 Q. You're refusing to answer that question, sir?

16 A. Beg your pardon?

17 Q. You're refusing to answer that question?

18 A. Would you like me to read that or could I just
19 respectfully refuse?

20 Q. You can refuse. When I say you can refuse, I'm
21 not allowing you to refuse to answer these questions.
22 You're under a grant of immunity and you're required
23 to answer these questions. And, I'm going to

1 tell you right now it's the Governments intention
2 to hold you in contempt if you refuse to answer.
3 If you choose not to read the whole statement,
4 that's up to you. I'm not granting you any
5 authority not to answer questions.

6 A. Can I go talk to my counsel for just a minute?

7 Q. Sure you can.

8 (Whereupon, the witness left the

9 Grand Jury room at 11:50 A.M.)

10 (Whereupon, the witness re-entered the

11 Grand Jury room at 11:52 A.M.)

12 BY MR. GRESENS:

13 Q. Mr. Oliver, do you have something to say or
14 do you want the question?

15 A. You can proceed.

16 Q. Mr. Oliver, do you have any knowledge that Charles
17 Cassaro, Joseph Fino, Angelo Massaro, and
18 John V. Cammilleri were the original founders
19 of Nairy's Social Club in the spring of 1974,
20 and that Salvatore Pieri has taken over John
21 Cammilleri's interest in the club after the latter's
22 death?

23 A. I respectfully decline to answer that question on

1 the ground that my answer may tend to incriminate
2 me and on further grounds that to answer that
3 question would violate my rights under the First,
4 Fourth, Fifth, Sixth and Ninth Amendments to the
5 United States Constitution.

6 Q. Mr. Oliver, have you ever borrowed money at Nairy's
7 Social Club from Joseph Fino, Michael Bona,
8 Gaetano Miceli, Frank Fantauzzo, or Gasper Bona
9 at a six for five rate of interest or at any other
10 rate of interest?

11 A. I respectfully decline to answer that question
12 on the ground that my answer may tend to incriminate
13 me and on further grounds that to answer that
14 question would violate my rights under the First,
15 Fourth, Fifth, Sixth and Ninth Amendments of
16 the United States Constitution.

17 Q. Mr. Oliver, have you ever observed Joseph Fino,
18 Michael Bona, Frank Fantauzzo, Gaetano Miceli,
19 or Gasper Bona loaning money to any persons at
20 Nairy's Social Club at a six for five rate of
21 interest or any other rate of interest?

22 A. I respectfully decline to answer that question on
23 the ground that my answer may tend to incriminate

1 me and on further grounds that to answer that
2 question would violate my rights under the
3 First, Fourth, Fifth, Sixth and Ninth Amendments
4 to the United States Constitution.

5 Q. Mr. Oliver, have you ever observed a Ziginette
6 card game at Nairy's Social Club in which approximately
7 five percent of the amount bet on each hand was
8 raked and deposited in a special box kept by
9 the Ziginette dealer?

10 A. I respectfully decline to answer that question on
11 the ground that my answer may tend to incriminate
12 me and on further grounds that to answer that
13 question would violate my rights under the First,
14 Fourth, Fifth, Sixth and Ninth Amendments of the
15 United States Constitution.

16 Q. Mr. Oliver, I just want you to know you can go
17 out and talk to Mr. Lamantia at any time you want.
18 Do you want to go out and talk to him now?

19 A. No, thank you.

20 Q. Mr. Oliver, have you ever been present at
21 Nairy's Social Club when Joseph Fino or Michael Bona
22 removed the raked money from the dealer's box
23 and thereafter counted, retained, or loaned such

1 money?

2 A. I respectfully decline to answer that question on
3 the ground that my answer may tend to incriminate
4 me and on further grounds that to answer that question
5 would violate my rights under the First, Fourth,
6 Fifth, Sixth and Ninth Amendments to the United
7 States Constitution.

8 Q. Mr. Oliver, do you have any knowledge, personal or
9 otherwise, to the effect that the Ziginette game
10 at Nairy's Social Club has been in continuous
11 operation between June and December of 1974, and
12 that Michael Bona, Gasper Bona, Thomas Miceli,
13 Joseph Fino, Frank Fantauzzo, and Joseph Moses,
14 have been employed to manage or supervise this
15 Ziginette game?

16 A. I respectfully decline to answer that question on
17 the ground that my answer may tend to incriminate
18 me and on further grounds that to answer that
19 question would violate my rights under the First,
20 Fourth, Fifth, Sixth and Ninth Amendments to the
21 United States Constitution.

22 Q. Mr. Oliver, have you ever been present at the
23 premises known as the Blue Banner Social Club,

1 also known as the Gettysburg Social Club, located
2 at Fourteenth and Connecticut Streets in Buffalo,
3 New York, and have you ever observed a Ziginette
4 card game in which a percent of the amount bet
5 on each hand is raked and deposited in a special
6 box kept by the Ziginette dealer?

7 A. I respectfully decline to answer that question on
8 the ground that my answer may tend to incriminate
9 me and on further grounds that to answer that
10 question would violate my rights under the First,
11 Fourth, Fifth, Sixth and Ninth Amendments of the
12 United States Constitution.

13 Q. Mr. Oliver, you're continuing to refuse to answer questions
14 here. You're here under a grant of immunity.
15 I just want to tell you one more time if you
16 continue to refuse and if you do not answer the
17 questions I've asked you already, the Government
18 will ask Judge Curtin to hold you in contempt of
19 Court and incarcerate you until you do testify
20 or until the Grand Jury expires or at the most
21 eighteen months, whichever of those periods is
22 shorter. Do you understand that, sir?

23 A. I do.

1 Q. You still refuse to answer? And, you still refuse
2 to answer?

3 A. I respectfully decline to answer that question
4 on the grounds that my answer may tend to incriminate
5 me and on further grounds that to answer that
6 question would violate my rights under the First,
7 Fourth, Fifth, Sixth and Ninth Amendments of
8 the United States Constitution.

9 Q. Mr. Oliver, have you ever been present at the
10 Connecticut Street Social Club when Nicholas
11 Rinaldo or William Sciolino removed the raked
12 money from the dealer's box and thereafter counted,
13 retained, or loaned out such money?

14 A. I respectfully decline to answer that question on
15 the ground that my answer may tend to incriminate
16 me and on further grounds that to answer that
17 question would violate my right under the First,
18 Fourth, Fifth, Sixth and Ninth Amendments of the
19 United States Constitution.

20 Q. Mr. Oliver, have you yourself borrowed money from
21 Nicholas Rinaldo or William Sciolino at a six
22 for five rate of interest or any other rate of
23 interest?

1 A. I respectfully decline to answer that question
2 on the ground that my answer may tend to incriminate
3 me and on further grounds that to answer that
4 question would violate my rights under the First,
5 Fourth, Fifth, Sixth and Ninth Amendments of the
6 United States Constitution.

7 Q. Mr. Oliver, have you ever seen Nicholas Rinaldo
8 or William Sciolino loaning money to any person
9 at a six for five rate of interest or at any
10 other rate of interest?

11 A. I respectfully decline to answer that question
12 on the ground that my answer may tend to incriminate
13 me and on further grounds that to answer that
14 question would violate my rights under the First,
15 Fourth, Fifth, Sixth and Ninth Amendment of the
16 United States Constitution.

17 Q. Mr. Oliver, have you yourself ever personally
18 borrowed money from Frank Chimento, also known
19 as Frank Poochie, at a six for five rate of
20 interest?

21 A. I respectfully decline to answer that question
22 on the ground that my answer may tend to incriminate
23 me and on further grounds that to answer that

1 question would violate my rights under the First,
2 Fourth, Fifth, Sixth and Ninth Amendments to the
3 United States Constitution.

4 Q. Mr. Oliver, do you know of any other person who
5 has ever borrowed money from Frank Chimento, also
6 known as Frank Poochie, at a six for five rate of
7 interest or at any other rate of interest?

8 A. I respectfully decline to answer that question
9 on the ground that my answer may tend to incriminate
10 me and on further grounds that to answer that question
11 would violate my rights under the First, Fourth,
12 Fifth, Sixth and Ninth Amendments of the United
13 States Constitution.

14 Q. Mr. Oliver, were you present at the Connecticut
15 Street Social Club on or about August 6th of
16 1974 when Frank Timineri was beaten by Frank
17 Chimento?

18 A. I respectfully decline to answer that question on
19 the ground that my answer may tend to incriminate
20 me and on further grounds that to answer that
21 question would violate my rights under the First,
22 Fourth, Fifth, Sixth and Ninth Amendments to the
23 United States Constitution.

1 Q. Mr. Oliver, do you have any knowledge, personal
2 or otherwise, to the effect that the Ziginette
3 game at the Connecticut Street Social Club was
4 in continuous operation between June and December
5 of 1974, with Nicholas Rinaldo, William Sciolino,
6 Joseph Buscaglia, Robert Barresi, also known as
7 Bobby-the-Tie, Chicky Russo, Lawrence Panaro,
8 and Carmen Mambrino employed as managers or
9 supervisors of the Ziginette game?

10 A. I respectfully decline to answer that question
11 on the grounds that my answer may tend to incriminate
12 me and on further grounds that to answer that
13 question would violate my rights under the First,
14 Fourth, Fifth, Sixth and Ninth Amendments of the
15 United States Constitution.

16 Q. Mr. Oliver, were you present at Nairy's Social
17 Club on August 12th of 1974, at approximately
18 three p.m., at which time a Ziginette game was
19 in progress being supervised by Michael Bona,
20 who was loaning money to several other players
21 in that Ziginette game?

22 A. I respectfully decline to answer that question
23 on the ground that my answer may tend to incriminate

1 me and on further grounds that to answer that
2 question would violate my rights under the First,
3 Fourth, Fifth, Sixth and Ninth Amendments to the
4 United States Constitution.

5 Q. Mr. Oliver, were you present at Nairy's Social
6 Club on August 31st of 1974, at approximately
7 one a.m., and did you see Thomas Miceli, also
8 known as Tommy Miceli, also known as Gaetano
9 Miceli, also known as Tommy Chooch, loaning money to
10 the players in the Ziginette game there, which
11 money was taken from the dealer's box?

12 A. I respectfully decline to answer that question
13 on the ground that my answer may tend to incriminate
14 me and on further grounds that to answer that
15 question would violate my rights under the First,
16 Fourth, Fifth, Sixth and Ninth Amendments of the
17 United States Constitution.

18 Q. Mr. Oliver, I don't have any other questions to
19 ask you here today, but if you choose, you can
20 go outside and talk to Mr. Lamantia and if
21 you choose, you can come back in here and answer
22 any or all of the questions I've asked you here
23 this morning. As I told you before, your refusal

1 to answer here, based on your refusal to answer
2 here, the Government will ask Judge Curtin to
3 hold you in contempt and the Judge may do so
4 and remand you in custody of the Marshalls until
5 you testify. Would you like to see your Counsel,
6 Mr. Lamantia, and perhaps come in here and
7 answer some of these questions?

8 A. No, that's all right.

9 Q. That's all, Mr. Oliver.

10 * * * * *

C E R T I F I C A T I O N

This is to CERTIFY that I, KRISTA K. SMITH,
having attended a session of the Federal Grand Jury,
as Grand Jury Stenographer, reported the proceedings
contained in the foregoing sixteen pages at the time
and place set forth in the heading in the matter of
UNITED STATES OF AMERICA versus JOHN DOE. That the
transcript is an accurate and complete record
of the proceedings to the best of my ability.

Krista K. Smith
KRISTA K. SMITH

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NEW YORK

IN THE MATTER OF
JOSEPH BUSCAGLIA
A GRAND JURY WITNESS

: AFFIDAVIT
:
:
:
:

STATE OF NEW YORK)
COUNTY OF ERIE) ss.:
CITY OF BUFFALO)

JAMES W. GRESENS, being duly sworn, deposes and says:

1. That I am a Special Attorney employed by the Department of Justice and assigned to the Organized Crime Strike Force in Buffalo, and that I am fully familiar with all of the facts and circumstances of the above-referenced case.
2. That I am personally in charge of the investigation of the activities occurring at Mairy's Social Club and the Connecticut Social Club in Buffalo, New York.
3. That the aforesaid investigation commenced in the Spring of 1974, and has been conducted solely by the Federal Bureau of Investigation.
4. That on March 3, 1975, I personally directed Special Agent Jack Poerstel of the Buffalo Field Office of the Federal Bureau of Investigation to make a thorough search of the files of that agency to ascertain whether the residence of JOSEPH BUSCAGLIA had been the subject of any form of electronic surveillance by the Federal Bureau of Investigation from January 1, 1974 through and including March 3, 1975. I also instructed Special Agent Poerstel to conduct a thorough search of the records of that agency to

determine whether JOSEPH BUSCAGLIA had been overheard on any electronic surveillances conducted by the Federal Bureau of Investigation during the aforementioned period.

5. That on March 3, 1975, Special Agent Foerstel advised me that he had checked the records of the Federal Bureau of Investigation for the period commencing on January 1, 1974 through and including March 3, 1975, and that the Federal Bureau of Investigation had not conducted any form of electronic surveillance at the residence of JOSEPH BUSCAGLIA, and had not overheard JOSEPH BUSCAGLIA on any form of electronic surveillance during the afore-specified period of time.

Respectfully submitted,

James W. Greens
JAMES W. GREENS
Department of Justice Attorney

Sworn to Before Me
This 7th Day of
March, 1975.

Alfred A. Monaco
ALFRED A. MONACO
Notary Public, State of New York
Qualified in Erie County
Notary Commission Expires March 30, 1976

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NEW YORK

IN THE MATTER OF _____ :

LAWRENCE PANARO _____ :

AFFIDAVIT

A GRAND JURY WITNESS _____ :

STATE OF NEW YORK)
COUNTY OF ERIE) ss.:
CITY OF BUFFALO)

JAMES W. GRESENS, being duly sworn, deposes and says:

1. That I am a Special Attorney employed by the Department of Justice and assigned to the Organized Crime Strike Force in Buffalo, and that I am fully familiar with all of the facts and circumstances of the above-referenced case.
2. That I am personally in charge of the investigation of the activities occurring at Nairy's Social Club and the Connecticut Social Club in Buffalo, New York.
3. That the aforesaid investigation commenced in the spring of 1974, and has been conducted solely by the Federal Bureau of Investigation.
4. That on March 4, 1975, I personally directed Special Agent William Holmes of the Buffalo Field Office of the Federal Bureau of Investigation to make a thorough search of the files of that agency to ascertain whether the residence of LAWRENCE PANARO had been the subject of any form of electronic surveillance by the Federal Bureau of Investigation from January 1, 1974 through and including March 4, 1975. I also instructed Special Agent Holmes to conduct a thorough search of the records of that agency to determine whether LAWRENCE PANARO had been overheard on any electronic surveillances conducted by the Federal Bureau of Investigation during the aforementioned period.

5. That on March 4, 1975, Special Agent Holmes advised me that he had checked the record of the Federal Bureau of Investigation for the period commencing on January 1, 1974 through and including March 4, 1975, and that the Federal Bureau of Investigation had not conducted any form of electronic surveillance at the residence of LAWRENCE PANARO and had not overheard LAWRENCE PANARO on any form of electronic surveillance during the afore-specified period of time.

Respectfully submitted,

James W. Greens
JAMES W. GREENS
Department of Justice Attorney

Sworn to Before Me

This ____ day of
March, 1975.

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NEW YORK

IN THE MATTER OF
GASPER BONA
A GRAND JURY WITNESS

AFFIDAVIT

STATE OF NEW YORK)
COUNTY OF ERIE) ss.:
CITY OF BUFFALO)

JAMES W. GRESENS, being duly sworn deposes and says:

1. That I am a Special Attorney employed by the Department of Justice and assigned to the Organized Crime Strike Force in Buffalo, and that I am fully familiar with all of the facts and circumstances of the above-referenced case.

2. That I am personally in charge of the investigation of the activities occurring at Nairy's Social Club and the Connecticut Social Club in Buffalo, New York.

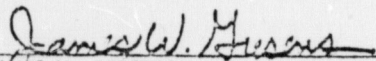
3. That the aforesaid investigation commenced in the Spring of 1974, and has been conducted solely by the Federal Bureau of Investigation.

4. That on March 4, 1975 I personally directed Special Agent William Holmes of the Buffalo Field Office of the Federal Bureau of Investigation to make a thorough search of the files of that agency to ascertain whether the residence of GASPER BONA had been the subject of any form of electronic surveillance by the Federal Bureau of Investigation from January 1, 1974 through and including March 4, 1975. I also instructed Special Agent Holmes to conduct a thorough search of the records of that agency to determine whether GASPER BONA had been overheard on any electronic surveillances conducted by the Federal Bureau of Investigation during the aforementioned period.

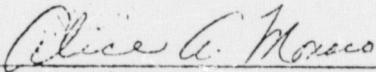
5. That on March 4, 1975 Special Agent Holmes advised me that he

had checked the record of the Federal Bureau of Investigation for the period commencing on January 1, 1974 through and including March 4, 1975, and that the Federal Bureau of Investigation had not conducted any form of electronic surveillance at the residence of GASPER BONA, and had not overheard GASPER BONA on any form of electronic surveillance during the afore-specified period of time.

Respectfully submitted,


JAMES W. CRESENS
Department of Justice Attorney

Sworn to before me
this 7th day of March 1975.


ALICE A. MONACO
Notary Public, State of New York
Qualified in Erie County
Commission Expires March 30, 1976

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NEW YORK

IN THE MATTER OF :

FRANK MAMBRINO :

A GRAND JURY WITNESS :

AFFIDAVIT

STATE OF NEW YORK)
COUNTY OF ERIE) ss.:
CITY OF BUFFALO)

JAMES W. GRESENS, being duly sworn, deposes and says:

1. That I am a Special Attorney employed by the Department of Justice and assigned to the Organized Crime Strike Force in Buffalo, and that I am fully familiar with all of the facts and circumstances of the above-referenced case.

2. That I am personally in charge of the investigation of the activities occurring at Nairy's Social Club and the Connecticut Social Club in Buffalo, New York.

3. That the aforesaid investigation commenced in the spring of 1974, and has been conducted solely by the Federal Bureau of Investigation.

4. That on March 17, 1975, I personally directed Special Agent William Holmes of the Buffalo Field Office of the Federal Bureau of Investigation to make a thorough search of the files of that agency to ascertain whether the residence of FRANK MAMBRINO had been the subject of any form of electronic surveillance by the Federal Bureau of Investigation from January 1, 1974 through and including March 17, 1975. I also instructed Special Agent Holmes to conduct a thorough search of the records of that agency to determine whether FRANK MAMBRINO had been identified on any electronic surveillances conducted by the Federal Bureau of Investigation during the aforementioned period.

5. That on March 17, 1975, Special Agent Holmes advised me that he had checked the record of the Federal Bureau of Investigation for the period commencing on January 1, 1974 through and including March 17, 1975, and that the Federal Bureau of Investigation had not conducted any form of electronic surveillance at the residence of FRANK MAMBRINO and had not identified FRANK MAMBRINO on any form of electronic surveillance during the afore-specified period of time.

Respectfully submitted,

James W. Grezens
JAMES W. GRESENS
Department of Justice Attorney

Sworn to Before Me
This 17th day of
March, 1975.

Alice A. Monaco

ALICE A. MONACO
Notary Public, State of New York
Qualified in the County
My Commission Expires March 30, 1976

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NEW YORK

IN THE MATTER OF _____:

ROBERT OLIVER _____:

AFFIDAVIT

A GRAND JURY WITNESS _____:

STATE OF NEW YORK)
COUNTY OF ERIE) ss.:
CITY OF BUFFALO)

JAMES W. GRESENS, being duly sworn, deposes and says:

1. That I am a Special Attorney employed by the Department of Justice and assigned to the Organized Crime Strike Force in Buffalo, and that I am fully familiar with all of the facts and circumstances of the above-referenced case.

2. That I am personally in charge of the investigation of the activities occurring at Nairy's Social Club and the Connecticut Social Club in Buffalo, New York.

3. That the aforesaid investigation commenced in the spring of 1974, and has been conducted solely by the Federal Bureau of Investigation.

4. That on March 17, 1975, I personally directed Special Agent William Holmes of the Buffalo Field Office of the Federal Bureau of Investigation to make a thorough search of the files of that agency to ascertain whether the residence of ROBERT OLIVER had been the subject of any form of electronic surveillance by the Federal Bureau of Investigation from January 1, 1974 through and including March 17, 1975. I also instructed Special Agent Holmes to conduct a thorough search of the records of that agency to determine whether ROBERT OLIVER had been identified on any electronic surveillances conducted by the Federal Bureau of Investigation during the aforementioned period.

5. That on March 17, 1975, Special Agent Holmes advised me that he had checked the record of the Federal Bureau of Investigation for the period commencing on January 1, 1974 through and including March 17, 1975, and that the Federal Bureau of Investigation had not conducted any form of electronic surveillance at the residence of ROBERT OLIVER and had not identified ROBERT OLIVER on any form of electronic surveillance during the afore-specified period of time.

Respectfully submitted,

James W. Grebens
JAMES W. GREBENS
Department of Justice Attorney

Sworn to Before Me

This 18th day of
March, 1975.

Alice A. Monaco

ALICE MONACO
Notary Public
in and for the County of
Columbia, State of Maryland
March 17, 1975

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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

* * * * *

IN THE MATTER OF GASPER BONA,
GRAND JURY WITNESS.

CRIMINAL DOCKET
MISC. CR. 155

* * * * *

Proceedings of In Camera Conference held
held in Chambers, Part I, United States Court House, Buffalo,
New York, before the HON. JOHN T. CURTIN, United States
District Judge, on March 4, 1975.

APPEARANCES: RICHARD J. ARCARA, United States Attorney,
 by JAMES W. GRESENS, Attorney, United
 States Department of Justice.

1 THE COURT:

We are in chambers and the attorney
2 for the Government and the Court are
3 present.

4 I didn't want to bring this up in
5 open court, Mr. Gresens, because then we
6 would get into a detailed discussion but
7 on the Gettysburg Social Club is there an
8 order outstanding on that?

9 MR. GRESENS:

No, your Honor, there is not and
10 there have been no wire taps and I don't
11 wish to appear obstinate to defense counsel.
12 It seems that this is not in the proper
13 scope of his discovery as to whether or
14 not, - we have not tapped any of the
15 places, for that matter. We still have
16 other sources of information and I don't
17 want to jeopardize them by ruling that
18 out and have them say "they have somebody
19 inside". I don't think it is the proper
20 thing to do.

21 THE COURT:

You say that as far as the Gettysburg
22 Social Club, - and what is the address?

23 MR. GRESENS:

It is Connecticut and 14th Street.
24 I am not sure of the number.

25 THE COURT:

This is also known as the Connecticut

1 MR. GRESENS: Hall, or the Blue Banner Social Club.
2 THE COURT: Any other names connected with it you
3 know of?

4 MR. GRESENS: Not that I know of.

5 THE COURT: You tell me there is no electronic
6 surveillance there?

7 MR. GRESENS: That is correct, your Honor.

8 THE COURT: All right, but the reason you don't
9 want to make a statement in open court
10 about this is that if they know definitely
11 that there was no electronic surveillance
12 then the witnesses will begin to suspect
13 "well, there must be some other means", and
14 this might be, - they would be looking at
15 each other and then determine who the
16 informer is.

17 MR. GRESENS: Precisely, your Honor.

18 THE COURT: Very well. I am satisfied with that
19 explanation and therefore I think the best
20 course to follow is to go down with Bona.
21 We will make a record. In these cases as
22 I have explained I don't think it is enough
23 just to say "do you intend to take the
24 Fifth", and then he says "yes", and you
25 come back up and I put him in jail. I don't

1 mean you have to spend a half hour with
2 him but I think you have to ask a sample
3 of questions, "on such and such a day did
4 you meet with so and so", or "did you meet
5 such and such a person", and the place,
6 or "do you know about a particular trans-
7 action", maybe getting down to definite
8 information. I don't want you to reveal
9 your informant. I don't think that is
10 the purpose and I don't think you have to
11 go into that in detail so that your
12 informant becomes known but I do believe
13 it has to be more to the point, as far as
14 I am concerned, than merely the general
15 question.

16 MR. GRESENS:

Your Honor would want specific dates
and times in these questions?

18 THE COURT:

If you can do it without revealing
19 any confidential information that would be
20 it, but, of course, in all these cases
21 eventually you are going to have to.

22 MR. GRESENS:

Yes, your Honor, the problem being
23 the confidential source of the information
24 is still active and out there.

THE COURT:

Then just make it in general, but

1 you might ask them "do you know anything
2 about wagering activities and how it is
3 conducted", and as far as any of these
4 people if you suspect they know anything
5 about any loan sharking, ask them in a
6 general way who handles it and how it is
7 done and on the various monies that have
8 to be paid back and when they have to be
9 paid back, anything like that.

10 MR. GRESENS:

Yes, sir.

11 THE COURT:

Why don't we go back in then and we
12 will continue with the other witnesses.

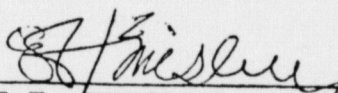
13 MR. GRESENS:

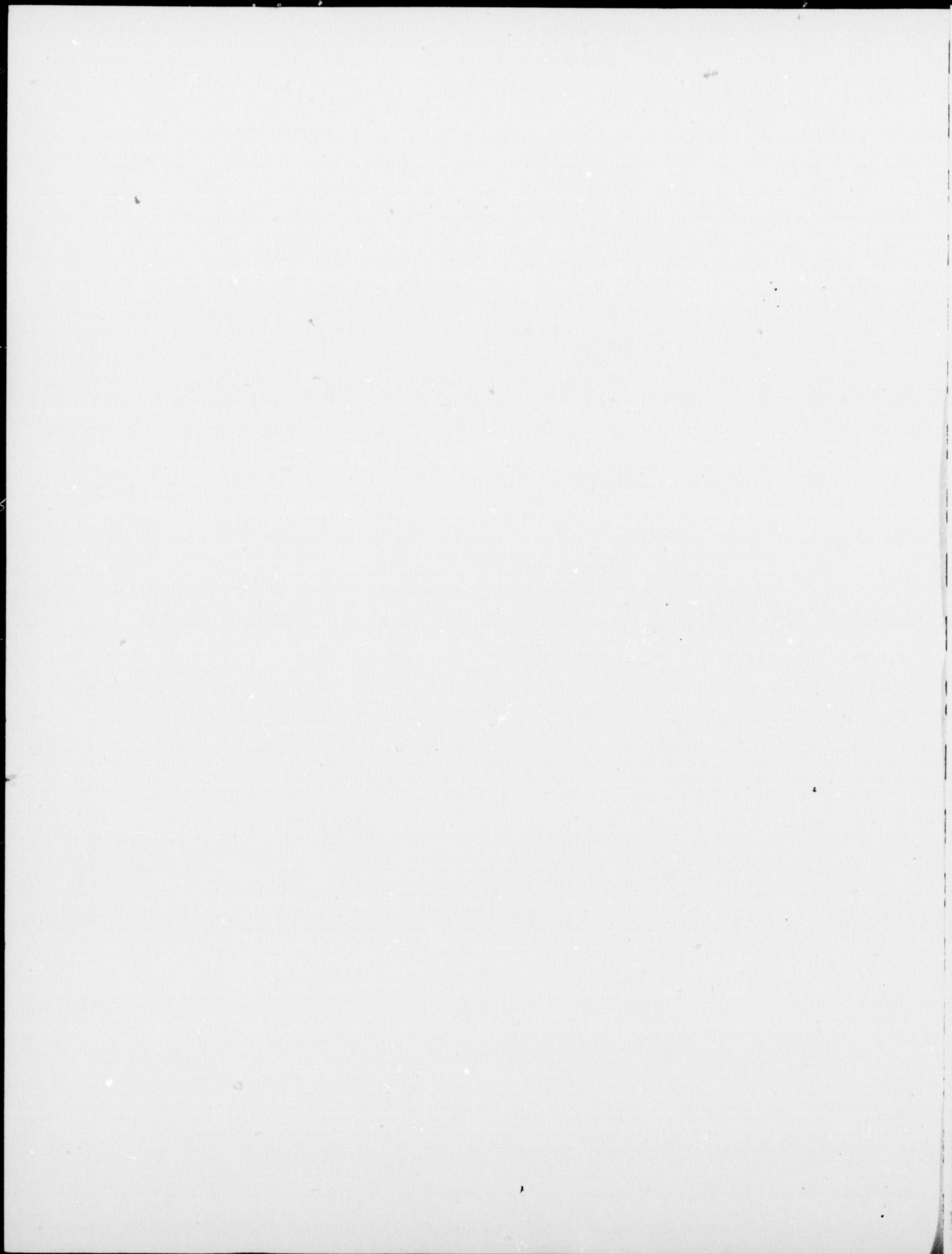
Thank you, your Honor.

14
15 (In Camera conference concluded.)
16

17 * * * * *

18
19 I hereby certify that the foregoing is a
20 complete and accurate transcription of my
shorthand notes herein.

21 
22 E.F. KNISLEY, Official Reporter, USDC, WDNY.
23
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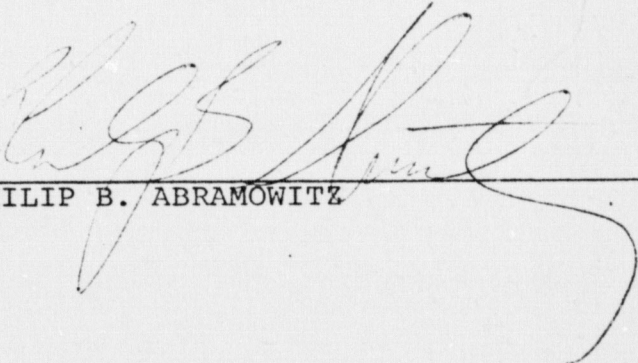
IN THE UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

IN THE MATTER OF:

JOSEPH BUSCAGLIA, A Grand Jury Witness, Docket No. 75-1079
LAWRENCE PANARO, A Grand Jury Witness, Docket No. 75-1105
GASPER BONA, A Grand Jury Witness, Docket No. T-4526
FRANK MAMBRINO, A Grand Jury Witness, Docket No. 75-1120
ROBERT OLIVER, A Grand Jury Witness, Docket No. 75-1111

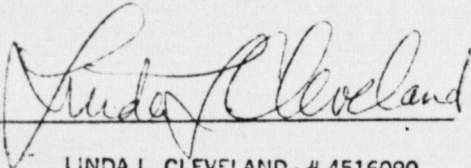
AFFIDAVIT
OF
SERVICE

PHILIP B. ABRAMOWITZ, being duly sworn, deposes and says that
I am eighteen (18) years of age and that on March 31, 1975, I did mail
two copies of the brief and appendix in the above referenced case to
JAMES GRESENS, Attorney, Department of Justice, Genesee Building, Buffalo,
New York 14202.



PHILIP B. ABRAMOWITZ

Sworn to before,
me this 31st day
of March, 1975.



LINDA L. CLEVELAND - # 4516090

Notary Public, State of New York
Qualified in Erie County

My Commission Expires March 30, 1977

